RANCHO PALA VOL. I

Box
Index No.

This Abstract MUST be returned at once to
JAS. A. CLAYTON & CO.

ABSTRACT OF TITLE
OF PROPERTY OF

958

Mary E. Staples

-13-

Volume 1. -13-

ABSTRACT OF TITLE

TO

THE WHITE & STAPLES
PROPERTY IN THE PALA RANCHO.

COUNTY OF SANTA CLARA,
STATE OF CALIFORNIA,
As Shown by the Records of Said County.

Dated July 16, 1891. -190-

MADE AT THE REQUEST OF

J. A. Clayton & Co.

San Jose Abstract Company,
INCORPORATED—APRIL, 1891.
BANK OF SAN JOSE BUILDING,
SAN JOSE, CALIFORNIA.

San Jose Abstract Co.

JAMES A. CLAYTON & CO.

Abstract of Title
to the
"Rancho Pala"

Said Rancho who immedi[illegible] truly and faithfully ma[illegible]

1.

1.

Pala

1835
Dec 16th The petition with the usual deseño (Map) of Jose Joaquin Yguera (Niguera) for Juridical Possession of the land (place) known as Pala (one league) addressed to the Constitutional Alcalde, was received, and witnesses examined.

" 18th N. Berreyessa and Antonio Chabaya the adjoining ranch owners cited to appear and attend at the Rancho Pala on the succeeding day (19th)

" 19 The Alcalde with his two assistants Jose Joaquin Niguera and his neighbors N. Berreyessa and Antonio Chabaya went upon the lands of Pala to view the lands of said Rancho and marked the various points set forth in the depositions of the witnesses theretofore examined.

" " Rafael Soto & Augustin Alviso two competent persons appointed to measure the outer lines of said Rancho who immediately took the oath to truly & faithfully mo

2. 1835

Dec 19 Notice given to all the interested parties that the measurement would be made on the 21st inst.

" 21st At the Pala Rancho - present the Alcalde and his assistants & Jose Joaquin Nigueira & the adjoining neighbors. Then came the named "measures" & there proved and made true the cord with which to measure the lands. - Here follows the survey (measurement) of the Rancho, with the attesting signatures; following which is the certificate of the Constitutional Alcalde (of same date) that he has given Juridical Possession of said Rancho to Jose Joaquin Nigueira &c.

(Sgd) Antonio Ma Pico.

Assistants, Jose G. Fernandez
Tomas Pacheco

Recorded June 7. 1850
Book "A" of Deeds pp. 143.

3

3.

On page 215 of the same book is re-recorded the same proceedings, but preceded by the Original Grant, dated at Monterey November 15th 1835.

(Sgd) Jose Castro.

1835
Dec 5th Approved by Salvio Pacheco.

" 10th Approved by the "Excellent Territorial Legislature" and returned to Castro that Juan B. Alvarado "V. S." should sign it.

C

Expedientes Filed by
C. E. Allen October 24th 1862

" C. T. Ryland September 14 " 1869.

4.

Juan Niguera
To
Charles White.

Deed.

Dated Feby 7th 1849

Cons. $3000. (Gold Dust).

Sells and gives in public sale and alienation forever to Charles White his heirs and assigns. &c.

All his right, title and interest in the "Rancho de Pala" guaranteeing that said Rancho is not sold or incumbered in any manner.

Obligates himself to procure and make over the title with the documents of possession of said Rancho to the purchaser, which (papers) are now in the hands of Don Jose Noriega the Executor (Albasea) of the Will of his mother and father.

He also obligates himself to procure the "signature of sale" of his brother (and sisters)

C

5

5

5.

Covenant of Warranty to the aforegoing,

(Sgd) Juan Niguera +

(") Testigo de Ass.a

Alj.o Anderson.

K. N. Dimmick

Alcalde 1st.

C

Testigo de Ass.a

Maccemore J. Fernandez.

Recorded

Liber H. of Deeds pp 101.

5

Charles White
To
Juan Higuera
Deed
Dated April 16th 1849.
Cons $3000

Doth grant & convey unto the said party of the second part his heirs and assigns forever. All that certain piece or parcel of land lying and being in the Pueblo de San Jose de Guadalupe and being known as the Rancho de Tala granted by the Mexican Government to the Higueras and by them sold to the said Charles White, but resold to said Juan Higuera, his heirs and assigns forever

Together with all &c. &c.

(Sgd) Chas White (Seal)

Witness
J. D. Hoppe.

Ackgd April 16. 1849
Before A. N. Dimick,
1st Alcalde.

Recorded, in Book "5" of Deeds pp. 34.

7.

7.

Juan Niguera
To
John M. Murphy

Deed.

Dated April 16th 1849.

Cons $13500.

Doth grant and convey unto the said party of the second part his heirs and assigns forever.

All that certain piece or parcel of land lying and being in the jurisdiction of the District of San Jose and being known as the Rancho de Pala granted by the Mexican Government to the Niguera's and more particularly described in a deed made by Juan Niguera to Chas. White and recorded in the Alcalde's Office in Book 4 of Deeds pp. 101 to which reference is particularly made for a more full description thereof

Together with all rc. rc.

(Sgd) Juan Niguera his X mark

Seal

Witness:
Chas. White
J. D. Noffke.

Ackgd April 16. 1849
Before K. N. Dimmick
1st Alcalde.
Recorded in Book "C" of Deeds pp. 315.

9.

9.

Juan Nigeira
To
William B. Almond.

Martgage

Dated Sept, 14 1849.

Cons $150

Payable within one month from this date.

Affects.

C

All my right title and interest in and to a certain Rancho or farm or tract of land situate in the valley of said Pueblo about 3 miles from said Town of Pueblo, and the farm on which, I am now residing and which said interest decended to me from my father who is now deceased, the same being situated in Upper California

(Sgd) Juan his mark Nigeira (Seal)

Testigo
J. Nart.

C. T. Ryland
Recorder.

Satisfied in full. Feby 15 1850
(Sgd) W. B. Almond

8

(over)

10.

Recorded June, 7th 1850.

Liber "5" of Deeds pp. 258.

11.

11.

11

In the Probate Court of Santa Clara County California.

C In the Matter of the Estate of Maria Bernarda Soto deceased } No 37 Reg. "A" pp. 44.

1850.
August 2d Petition of Jose Moriega and Joaquin Niguera for letters filed.
Petition sets forth that Maria Bernarda Soto, late resident of Santa Clara County died about Sept 29th 1840 leaving property in this County, and a will bearing said date wherein she disposes of her Estate, deed named as executors 1st petitioner, Jose Moriega and 2d Joaquin Niguera, That the heirs of deceased are Maria Petra, Maria Josefa, Jose Manuel, Maria Antonia, Joaquin, Jose Antonio, Romana, Juan Maria, and Domingo Niguera, all children

of herself and her prior deceased husband, Joaquin Niguera. That immediately after the death of said Maria R. Soto her will was duly probated by the first Alcalde of the Pueblo de San Jose, Acting as Judge of First Instance, and that all the above heirs consented to the disposition of her Estate therein made by testatrix and have long since received and receipted for their portion of said Estate.

C

Petition further states that the will is therewith filed (not now in papers) and asks that letters be granted to Petitioners.

1850

August 2. August 13th 1850 set for hearing petition and proving will, and that Citation be issued to heirs and subscribing witnesses.

" 3 Citation issued

" 9 " filed on return shows service on all parties named in Citation

13.

1850.

August 13. Certificate of Clerk of due posting of notices, filed

" " Proof of Will taken and filed

" " Will admitted to probate and that letters issue to petitioner

Probate Rec. "A" pp. 15.

C

" " Letters issued to Petitioners - who never qualified.

1851

Jany 16. Petition to revoke probate of will, filed

This petition is presented by Sanford M. Kottinger as Attorney for Maria Josefa Niguera de Chabolla, Maria Josefa Niguera de Dodero, Maria Antonia Niguera de Bernal, Teresa Niguera de Mesa, Maria Antonia de Chabolla and Maria Domingo de Delis. Petition sets forth that the will of deceased Maria Bernarda Soto de

D

1851 Niguera was made and obtained by fraud and was freely, willingly and voluntarily made rc.

This Petition was dismissed on the 8th of August 1851.

Jany 22 Petition of Charles White for letters, filed.
States that heirs interested in the proper administration of Estate, and that Moriega has failed to properly administer rc.

C

" " Notices issued rc. and on the 8th of Feby 1851 Charles White appointed Administrator. who duly qualified.

" " Appraisors appointed

August 8. Petition to revoke Probate of will filed,
This Petition is presented by A. P. Crittenden for same parties as in Petition of January 16th 1851.

" 8. Citation issued

15.

1851

August 23. Answer filed of Jose Joaquin Niguera, Charles White, Jose Manuel Niguera, Jose Antonio D. Niguera, Juan Maria Niguera and Maria Petra Niguera

" " Petition of Charles White for discharge as administrator.

C

" " Petition granted

Probate Records "A" pp. 137.

1852

Answer of Jose Noriega, filed. Denies having anything to do with the Estate as Executor.

There appears among the papers a translation (of date Sept. 30th 1852) of the will of Maria Bernarda Soto, (widow of Joaquin Niguera.) The Will enumerates same children heretofore named, and states that they have all received their "portion" at the time they married except Joaquin, Jose Antonio, Juan, Maria Ramona & Domingo -

116.

1852 Gives to Romana and Domingo certain personal property and to the four sons the Ranchos Pala
the will (signed)
Assisting Witnesses 3 Jose Fernandez
Salvio Pacheco 3
Thos. Pacheco 3

C

Note: In the contest in the Probate Court to revoke the Probate of the will of Maria Bernarda Soto and to set aside the letters of administration to Charles White, a great deal of testimony was introduced all of which tended to show that the will was in due form &c. And that by the will of Joaquin Niguera She (Maria Bernarda) was entitled to will the Rancho Pala to her sons, and that the daughters had received at various times personal Estate from the former Executor, Jose Noriega.
Receipts are filed in favor of Jose Noriega & Joaquin

17.

17.

Niguera as Executors of the last Will of Joaquin Niguera for portions of the Personal effects of Estate of deceased, from Petra Niguera de Mesa, Maria Antonio Niguera, Josefa Niguera, Ramona Niguera, Anastasia Chabolla, Manuel Niguera

C Jose Antonio Niguera, Domingo Niguera, and Jose Antonio Niguera

Order from Probate Court that Execution issue for costs in favor of Clerk July 23" 1852.

John M. Murphy
To
Juan Nigueira

Deed

Dated Jany 22d 1850

Consd $5000.

Do grant bargain sell & convey unto the said Juan Nigueira his heirs and assigns forever. All that certain piece or parcel of land, lying and being in the District of San José de Guadalupe and being known as the Rancho de Pala granted by the Mexican Government to the Nigueras, and resold by them to Charles White and resold by said White to said Juan Nigueira and sold by said Juan Nigueira to me by deed bearing date the 29th day of May 1849. to his his heirs and assigns forever.
Togather with all rc. rc.

(Sgd) John M. Murphy (Seal)

Witness.
J. N. Redman
N. C. Melone

<Recorded in Book "5" of Deeds pp 611>

Ackd Before James C. Conway Jany 22 1850
First Alcalde
District of San José

19.

19.

Juan Niguera and
Maria Encarnacion, his wife.
To
Charles White

Deed

Dated Jany 28th 1850.

Consd $6000.

C

Hath bargained, sold and conveyed to said party of second part, and to his heirs and assigns forever.

All that tract or parcel of land lying and being in the District of the Pueblo De San Jose, being known as the entire North half of the Rancho de Pala, as granted by the Mexican Government to Joaquin Niguera, by title bearing date 15th November 1835 and of the Judical possession given thereof in accordance with said title on November 21st 1835. Begin at a pile of stones as fixed and established by said act of possession on the bank of stream known as the Arroyo de la Aguaja and including said creek to the middle thereof forms the

Northern boundary and from said pile of stones run southerly until it includes such grant of land as is equal to one entire half as owned and possessed by the said Joaquin Niguera being understood that the Southern half of said Rancho de Pala shall contain the same width on its eastern line as it shall have on the Western line and that the said North half shall be divided from the South half by a straight line running East and West and the North half shall be subject to such shape as it may have according to said Act of Possessing aforesaid

C

To have and to hold &c &c

(Sgd) Juan Niguera +

" Maria Encarnacion Avila +

Martin San Vicente

L. L. Porabello.

R. M. May & Ed J. Curtis

Ackgd Jany 28th 1850

By Juan Niguera & Maria Encarnacion Avila Avila his wife. Before James C. Conray 1st Alcalde District of San Juan

Recorded May 22nd 1850.

Liber "A" of deeds pp. 142.

21.

21.

Petra Niguera and
all her children both
of the Pueblo de San Jose
Upper California
To
Charles White

Mortgage

C.

Dated Jany 28th 1850
Conx $1500.

And the better to secure the payment of the said sum of $1500. we and each of us do hereby mortgage, pledge and hypothecate unto the said Charles White, his heirs executors, and administrators, a certain house and lot our lawful property situate in said Pueblo, fronting on Market St. containing 12 varas in front by 125 varas in depth, being and adjoining the house and lot of Juan la Marsi, and including the garden and orchard extending from the orchard lately occupied and owned by Manuel Niguera bounded on the North by lot of Juana Sanchez: on the South by lot of Manuel Niguera and on the West by the lands of Dolores Pecheco.

Sealed with our seals &c &c

(Sgd) Petra Iguera + Seal
(") Jose Mesa + Seal

Jose Domingo Mesa +
Rufina Mesa +

Condition of this obligation is such that: aforesaid Petra Niguera & all of her children or either of them, their or either of their heirs &c. shall well & truly deliver, unto the said Charles White, his Executors &c. within 30 days from date hereof, a good and valid deed from Manuel Niguera & Jose Antonio Niguera unto said Charles White, of all their portion of the inheritance of their deceased parents, and of all their right of whatever nature, in & to the Rancho De Pala, situate in the vicinity of the said Pueblo, then this obligation and Mortgage to be void, otherwise to be and remain in full force and virtue

(Sgd) Petra Niguera X (Seal)
(") Jose Domingo Mesa + (Seal)
(") Jose Mesa + (Seal)
(") Rufina Mesa + (Seal)

Martin Jos. Vicente
C. L. Portello

Ackgd by Peter Niguera (as feme sole) Jose Domingo Mesa, Jose Mesa & Rufina Mesa Jany 28" 1850. Before James C. Conray
First Alcalde

Filed 6th Nov. 1851.
Liber "A" Mortgages pp 342.

23

Manuel Niguera
Jose Antonio Niguera
of the County of Contra Costa
To
Juan Nigera of
Santa Clara County
Deed

Dated May 16 1850

Cons. its value received $1.

C

Nath bargained, sold and conveyed unto the said party of the second part and to his heirs and assigns forever.

All their right, interest and title which they now or ever held to the Rancho De Palma. Together with all their rights, interest and title which they may have in law or equity under the will of their deceased parents Joaquin Niguera and Bernarda Soto. said Rancho De Pala being and lying in the County of Santa Clara, State of California, being bounded by the Arroya de la Aguya on the Northward by the Pueblo lands on the West by the lands of Antonio Chavolla, on the South, and by the lands

known as the Cañada de Pala on the North. Together with all the rights r.r.c.

(Sgd) Manuel his mark Higuera
(") Jose Antonio his mark Higuera
(") Maria Nicolasa his mark Mesa

Attest
Absolum Peake.

Acknowd May 16th 1850.
Before T. M. Warncastle
County Judge of Contra Costa County

(no seal).
Filed for Record May 22nd 1850

Liber "A" of Deeds pp. 141.

25.

Joaquin Niguera
Juan Maria Niguera &c
Maria Petra Niguera
To
Charles White
Deed
Dated July 12 1852
Cons $15000.

C

Doth bargain, sell & convey unto the said party of the second part and to his heirs and assigns forever.

All their right title & interest in & to all that tract or parcel of land laying & being in the County of Santa Clara and State of California being known as that part of the Rancho De Pala lying West of the foot of the hills which are known by a line beginning at three Oak trees near the round hills, two of which are blazed and one marked thus: A, from thence Northward to three Oak trees on the bank of an Arroyo one of which are marked thus A from thence Northerly in the direction of an Oak tree marked

thus A on the top of the low hills until it reaches the lands bought by Charles White of Juan Niguera

To have and to hold &c &c

(Sgd) Joaquin his mark Niguera
Juan Maria his mark Niguera
Maria Petra her mark Niguera

Witness for Joaquin Niguera
Henry Bee
Frederic Wall witness to Juan Merisa Niguera & Maria Petra Niguera

State of California } S.S.
County of Santa Clara }

C

On the 11th day of July A.D. 1852 personally appeared before me, a Notary Public in and for said County Maria Petra Niguera, known to me to be one of the persons described in and who executed the foregoing instrument, who acknowledged to me that she executed the same freely and voluntarily and for the uses and purposes therein mentioned.

27.

Also on the 13th day of July A.D. 1852 personally appeared before me Juan Marcin Niguera know to me to be one of the persons described in and who executed the foregoing instrument, who acknowledged to me that he executed the same freely and voluntarily and for the uses and purposes therein mentioned.

C

Also on the 1st day of August A.D. 1852 personally appeared before me Joaquin Niguera, known to me to be one of the persons described and who executed the foregoing instrument, who acknowledged to me that he executed the same freely and voluntarily and for the uses and purposes therein mentioned.

In testimony &c &c I have hereunto set my hand and affixed my seal of office this 2d day of Aug. A.D. 1852 at San Jose

Seal

Frederic Nall, Notary Public

Filed for Record Aug 24th 1852.
Liber "S" of Deeds Pp. 96.

Juan Maria Niguera
To
Charles White
Deed
Dated Jany 14. 1853
Conx $10000.

Doth bargain sell and convey unto the said party of the second part and to his heirs and assigns forever.

All his right, title & interest in and to all that tract or parcel of land laying and being in the County of Santa Clara & State of California being bounded on the North by the Arroyo del Aguaja, on the East by the dividing ridge of the Mountains, on the South by the Arroyo de las Alisos, and on the West by a line from a tree or stump marked thus: + near the house of Anastasio Chavolla to a pile of stones on the bank of the Aguaja Creek, said Ranch being known by the name of Pala.

To have and to hold &c &c.

(Sgd) Juan Maria X Niguera (Seal)

Witness
Frederick Wall

C

29. Ackgd Jany 14th 1853

Before Frederick Nall N. P.
Filed for Record Sept 10th 1860.
Liber "N" of Deeds pp. 460.

In the Probate Court of the County of Santa Clara

C

In the Matter of the Estate of } No 90.
Charles White deceased. } Reg. "A" 173

1853.
May 16

Petition of Ellen E. White for letters of Administration filed.
Avers that Charles White died intestate, on or about April 12. 1853, that he was a resident of Santa Clara County and left a large estate in said County which needs Administry and Prays for Letters of Administration.

" 17. Notice of hearing for Saturday May 28th 1853.

" 18. Notice of hearing returned by Sheriff endorsed by C. E. Allen depty with certificate

1853. of posting in 3 public places in San Ta. Clara County.

May 28. Affidavit of Ellen E. White sworn to before N. C. Melone, by Jno. B. Newson & Co.

" " Bond filed $6000. Francis McGirr, Joseph Aram & Wm. Ware sureties.

" " Order issuing Letters of Administration to Ellen E. White, appointing John Yontz, Peter Quivy & Isaac Branham appraisers

" " Letters of Administration issued to Ellen E. White

June 27. Inventory filed
Sets forth personal property of deceased and Real Estate in City of San Jose.
Also 1/2 league of land on the Pala Rancho in the County of Santa Clara. Value $8000.
Also lands in Sonoma County Cal. r.e.r.c.
Duly certified by the appraisers
Affidavit of Ellen E. White Admx. to

31.

1853 same stating that above Inventory contains a true statement of all the Real Estate of said deceased, which has come to her knowledge rc. Affidavit duly verified.

July 25 Affidavit of J. C. Emerson, publisher of the Santa Clara Register, a Weekly newspaper published in San Jose, that due and legal notice was given to creditors rc. more than 5 weeks, from June 2. 1853 to July 14. 1853. that Letters of Administration were granted to Ellen E. White &c notifying all persons having claims against said Estate to present them to her within ten months from date of this notice rc rc.

C

1854
June 26. Report of Ellen E. White, Admx. rc. of the condition of said Estate: Sets forth among other things that the claim to the "Rancho Pala" has been presented to the Board of U. S. Commissioners for confirmation, but has not yet been decided rc. and praying for further time

to settle the affairs of said Estate. filed.

1855.
Aug 25. Petition of Ellen E. White praying that she be appointed Guardian of the minor heirs of said deceased, filed, and on motion she was appointed Guardian &c. and ordered to file bond in penalty of $6000.

1856
Nov 8. Citation issued to Ellen E. White, Admx. (Oct. 31. 1856) to appear on Nov 10, 1856 and file an Exhibit of the condition of said estate, filed.

C

On Return shows service on Ellen E. White by delivering to her a copy of said Citation in Santa Clara County Nov 3, 1856.

Note - Ellen E. White on the 11th of May 1857, was married to Charles E. Allen, in Santa Clara County, by the Rev. Joseph Bixio, Catholic Priest. There is no evidence of the marriage in the Recorders Office of Santa Clara County.

33

1858 Citation to Ellen E. Allen late
Oct 19 Ellen E. White, Admx. rc to appear
before Probate Court of Santa Clara
County, Oct. 25, 1858 to show cause
why she does not file her account
for a final settlement of said es-
C tate, and why an attachment should
not issue against her for having failed
to do as required by law. Dated
Oct. 6 1858.
On Return shows service on Ellen E.
Allen by delivering a certified copy of said
Citation to her on 13th Oct. 1858.
Jno. M. Murphy
Sheriff

" 29 Final settlement of Ellen E. Allen
late White Admx. rc. filed.
Notice is given that hearing of said
settlement will be had before said
Probate Court in San Jose. on 13th Nov.
1858. all persons interested are no-
tified to appear and show cause why
the prayer of said petitioner should
not be granted; Return on same by

J. M. Murphy, Sheriff. (by J. R. Wilson U. S. D) that copies of the within notice has been posted in three public places in City of San Jose, one of which, was at the Court House door in said City.

1860

Mch 31 Petition of Charles E. Allen for letters of Administration filed. Shows that Charles White late of said City and County died intestate in the City of San Francisco State of California on April 12th 1853 being at the time a resident of the County of Santa Clara. That deceased was seized and possessed of the real and personal Estate set forth in the inventory heretofore filed. That said deceased left as heirs to his estate certain persons heretofore reported to this Court of whom there are now living Ellen E. White now Ellen E. Allen, Charles E. White and Mary E. White. The two last

C

35 - 1860 Mch 31

named being minor heirs each under the age of 14 years. That letters of Administration were issued to Ellen E. White and the administration has not been closed.

That since the granting of said letters said Administratrix has intermarried with petitioner and by operation of law said letters have become null and void.

C

Prays Letters of Administration

" " Ordered that April 12th 1860 be day for hearing petition.

" " Proof of posting notices of above order with copy of notice attached, filed

" " Sheriff certifies that he posted three copies of the within notice in three public places in this County, one of which was at the Door of the County Court House.

1860. Ordered that letters of Administration
April 12" "de bonis non" issued to Charles E.
Allen – Bond $1500.

1861
June 8. Bond filed &c.

" 10 Letters of Administration "de bonis non"
filed

1862
July 5 Petition by T. D. Johnson for citation
to Administrator filed.

" 19. Order to Administrator to file ac-
count made.

Nov 11. Citation to Administrator heretofore
issued, filed with Sheriffs Certificate
of services.

Here follows various proceedings to compel Administrator to account which do not affect title. excepting that in the Administrators report filed April 18th 1863, he states "that the only additional

property which has come into my hands is Lot No. 1112 in the City of San Francisco, 50 varas square."

37- ~~1861~~ ~~property which has come into my hands is Lot No 1112 in the City of San Francisco 50 Varas Square.~~

Domingo Ygnira Feliz
To
A. M. Pico
Deed.

C Dated June 14 1853
Cons $1500.

Know all men by these presents that I Miguel Feliz Attorney in fact for Domingo Feliz, have this 14th day of June 1853, by and in virtue of a certain Power of Attorney to me given which Power of Attorney is dated the 4th June 1853 by the said Domingo Ygnira Feliz, granted bargained and sold and by these presents grant bargain & sell unto Antonio Mª Pico all the right title and interest which the said Domingo Ygnira Feliz has in

and to the Rancho known as "Rancho de Pala" in the County of Santa Clara and State of California.

(Sgd) Miguel his X mark Feliz. (Seal)

Ackgd June 13th 1853.
Before N. C. Malone Co. Clerk.

Recorded Nov. 4th 1853
Liber "A" of Deeds pp. 427.

39.

C

Certificate of Sale on Execution issued from District Court 3rd Judicial District, County of Santa Clara. California

C

Jose Manuel Niguera et als
Adv
Teresa Niguera de Mesa et als
} Fi. Fa.

In Probate Court of Santa Clara County, State of California

June 1st 1854

I hereby certify that by virtue of an execution issued in the above entitled cause dated of the 28th day of April A. D. 1854, I did on the 29th day of April, 1854 levy upon all the right title and interest at law and in equity of Teresa Niguera de Mesa, Maria Antonia Niguera, Maria Josefa Niguera Chabolla, Ramona Niguera de Chabolla, Maria Josefa Niguera de Dodero and Maria Domingo Niguera de Felix, and of each of them to that certain tract of land situate in the County of Santa Clara, in the State of California,

about four miles in a Easterly direction from the City of San Jose, known by the name of the Rancho Pala consisting of one square league more or less and being the Tract of land which was granted by Jose Castro then Govern, or ad interim of the Territory of Upper California to Jose Niguera, on the 15th day of November 1835. And advertised the same to be sold on the 1st day of June 1854. And on the said 1st day of June after due & legal notice of the time and place, did sell at auction in front of the Court House in the City of San Jose for Cash in hand the above described Property, to William T. Wallace, for the sum of $275. which was the highest & best bid for the same, and which was the whole consideration of the sale of said Real Property.

C

And that said sale will become absolute at the expiration of 6 months from this date, & William T. Wallace or his assigns be entitled to a conveyance in accordance to law, unless the

41

same be redeemed

Given under my hand this the first day of June A.D. 1854.

Wm McCutchan Shff.
By Thos Bodley D.S.

C

Filed June 1st A.D. 1854.
S.A. Clark Recorder
By T. Lewis Deputy

M. T. Feliz & wife
To
Antonio Ma Pico
Deed

C

Dated Sept. 27th 1854.

Consd $1500.

Grant bargain, sell and convey unto Antonio Maria Pico all the right title & interest which we have in and to the Rancho known as the Rancho de Pala situated in the County of Santa Clara & State of California

(Sgd) Miguel his X mark Feliz (Seal)
" Domingo her X mark Ygnacia Feliz (Seal)

Ackgd Sept 30th 1854.
Before Peter Tracy County Clerk.

Recorded Oct. 5th 1854.
Liber "G" of Deeds pp. 399.

43

Maria Josepha Chavolla
To
William Govers
Deed
Dated Dec. 14th 1854.
Cons. $10-

C

Grant bargain sell remise convey and quit claim unto the said party of the second part and to his heirs and assigns forever all the right title and interest of the said party of the first part of in and to one undivided half of the undivided interest of the said party of the first part in and to the tract of land situate in the County of Santa Clara, State of California and known as the "Ranch de Pala"

Sgd Maria Josefa Chavolla her mark
(Seal)

Ackgd Dec. 18th 1854.
Before J. N. Joell N. P.

Recorded Dec. 26th 1854.
Liber "A" of Deeds pp. 335.

William Gowers
To
John Yontz
Deed
Dated Dec 16th 1854.
Cons $1000.

Grant bargain sell remise, convey and quit claim unto the said party of the second part and to his heirs and assigns forever, all the right title and interest of the said party of the first part of in and to the one undivided half of the interest of the said party of the first part in and to the tract of land situate in the County of Santa Clara State of California, and known as the "Rancho de Pala"

Ackgd Dec 18th 1854.
Before J. A. Yoell N. P.

Recorded. Dec. 26th 1854.

Liber "N" of Deeds pp. 336.

45.

William Gowers
To
W. R. Yontz
Deed.
Dated June 20th 1855.
Cons $150.

Remise release and quit claim unto the said party of the second part and to his heirs and assigns forever.

All the right title and interest of the said party of the first part in and to the undivided half of the following Real Estate situated in the County of Santa Clara and State of California known as the "Rancho de Pala (and other property)

(Sgd) William Gowers (Seal)

Ackwgd June 20th 1855
Before L. Archer N. P.
Recorded June 21st 1855

Liber "N" of deeds pp 537.

45

William T. Wallace
To
Richard Roman Wallace
Ryland Burnett Wallace

Deed

Dated July 24th 1857

Cons. Love and Affection &c.

Grant, bargain, sell & convey unto second parties as joint tenants in fee, & unto their heirs and assigns forever, all the right title & interest & estate of the said party of the first part in & to the tract of land situate in the County of Santa Clara & State of California, called "Rancho Pala" lying East of the City of San Jose and being the same tract of land granted by the Governor of the Departmental of the Californias to Joaquin Higuera about the year 1835. (and other property)

Witness (Sgd) William T. Wallace (Seal)
S. O. Naughton

Ackg'd July 24th 1857.
Before S. O. Naughton N. P.

Recorded July 24th 1857
Liber "L." of Deeds Pp. 95.

In the Matter of the Estate)
)
of : Continued.
)
Charles White, Deceased.)

Estate No. 90. Reg. A page 173.

1873

Aug.30 Order for citation to Administrator to appear and show cause why he should not file final Account, returnable Sept.13th 1873 . (Pro.Rec.9 page 294,

Sep.5 Citation issued.

Sept.10 Citation filed on return (not among the papers,

Sep.15 Petition of Robert Cushing for Partial Distribution filed.

Shows: That Charles White died in this State on April 12,1853 leavmg estate in this County.

That he died intestate leaving him surviving and his sole heirs at law his widow Ellen E. White and three children to wit: Thomas A. White, Charles E. White and Mary E. White.

That on June 10,1861 Letters of Administration of the Estate of said Charles White were duly issued by this Court to Charles E. Allen who thereupon qualified, entered upon and has since remained in the discharge of his trust as such Administrator.

That notice to creditors in said Estate has long since to wit: more than ten years ago, been

SAN JOSE ABSTRACT COMPANY
SAN JOSE, CAL.

1873 given as required by law, and the time for presenting claims against said estate is long since passed

That no claims exist against said estate and the same is wholly free from debt.

That Thomas A. White one of the children of the aforesaid Charles White died on or about the ___ day of ___ 1858, intestate, leaving him surviving and his sole heirs at law, his mother the aforesaid Ellen E. White, his sister Mary E. White and his brother Charles E. White.

That on November 30, 1870 the aforesaid Ellen E. White by deed of conveyance duly executed, conveyed and transferred to the aforesaid Charles E. White, all her right, title and interest in and to the premises hereinafter described.

That among other property the aforesaid Charles White was, at his death, seized of the following lot of land in the City and County of San Francisco to wit:

Lot 1112 according to the official survey of said City.

That the Estate of Charles White deceased has never been closed nor the administrator thereof discharged, nor has any decree of distribution been made.

That on December 14th 1871 the aforesaid Charles E. White and Mary E. White sold and conveyed said lot of land to one John A. Farrelly, and the said

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SAN JOSE, CAL.

1873 Farrelly, on the same day sold and conveyed the same to petitioner.

That petitioner is desirous of having the aforesaid lot of land distributed and set apart to him at once and therefore prays that upon his giving bonds, with security, for the payment of the debts of said estate, to be by this Court approved, this Court do set apart and give said lot to this petitioner.

D. M. Delmas,

Attorney for Petitioner.

Sept.15 Order fixing the hearing of petition of Robert Cushing for a partial distribution of the estate of the above named deceased for Sept.20,1873 at 11 o'clock A.M. at the Court House &c.

Pro.Rec.9 page 302.

Sep.15 Register shows: "Notices and affidavit" but they are not among the files of the estate.

Sep.20 Continuance until Sept.27,1873 . (Pro.Rec 9 p.327)

Sep.27 Decree of Distribution of estate made entered and filed. Pro.Rec.9 p.327

Recites filing of Petition of Robert Cushing for distribution to him of 50 vara lot No.1112 in the City and County of San Francisco, State of California.

And it appearing to the Court that the facts

SAN JOSE ABSTRACT COMPANY
SAN JOSE, CAL

1873

in said petition are true and that due and legal notice of said application had been given to the administrator of said estate personally on Sept.15, 1873 and to all persons interested in said estate as prescribed by an order of this Court made on Sept.15,1873 and the Attorney of said Administrator and heirs aforesaid not opposing said application but expressly consenting thereto.

It is ordered that the prayer of said petition be granted and that the property aforesaid be and hereby is distributed and given to said petitioner, and that the administrator of said estate to deliver to said petitioner the property above described.

"And it further appearing to the satisfaction of the Court that Charles E. White is one of the heirs at law of said Charles White deceased, and inherited a portion of his said estate, and is the vendee and purchaser of all the residue of said estate from the other parties in interest to wit: Ellen E. White and Mary A. White, and all of said parties in interest being present in Court and consenting thereto:

It is further Ordered that all of the said estate of said Charles White deceased, both real and personal (Save and except said lot hereinbefore described ordered to be distributed to said Robert Cushing) be and is hereby distributed to, and ordered to be delivered by said Administrator to said

SAN JOSE ABSTRACT COMPANY
SAN JOSE, CAL

1873 Charles E. White, as and for his sole and separate property and estate.

Dated Sept.27th 1873.

(sgd) D. S. Payne,

Probate Judge.

N o t e :

A certified copy of foregoing Decree was recorded in the office of the County Recorder of the County of Santa Clara, State of California,on March 23,1900 in Liber 226 of Deeds page 494.

47

Miguel Feliz and Wife
To
Antonio Maria Pico
Deed
Dated Oct 14th 1857.
Cons. $100.

Grant bargain sell and convey unto the said Antonio Maria Pico his heirs and assigns forever, all our right title and interest and particularly all the right title and interest of the said Domingo Niguera Feliz of in and to all that certain tract of land in the County of Santa Clara and State of California called and known there, as the Rancho de Pala, bounded by the lands of Nicholas Benillesa and of the heirs of Anastacio Chabolla, containing two Mexican Leagues more or less.

C.

(Sgd) Miguel his X mark Feliz (Seal)
(") Domingo Niguera per X mark Feliz (Seal)

47

Ackgd Oct 14th 1857

Before N. Rice Co Judge.
Santa Cruz Co.

Recorded March 23" 1858.
Liber "L" of Deeds pp. 477.

49.

Petra Niguera de Mesa
Juan Niguera
Antonio Niguera de Bernal
Antonio Chavolla and
Ramona Niguera de Chavolla, his wife.
Angel Maria Chavolla and
Josefa Niguera de Dodero.
To
Jasper D. Gunn.

C

Deed.

Dated Feby 24th 1858.

Cons. $10.

Do remise release and quit claim unto the said party of the second part and to his heirs and assigns forever.
The one undivided half of all their interest both at law and in equity in and to all that certain tract or parcel of land lying situate and being in the aforesaid County and State and known as the Rancho de la Pala heretofore granted by the Mexican Government to Joaquin Niguera

49

the father of the aforenamed, Petra Niguera de Mesa, Juan Niguera, Antonio Niguera de Bernal, Ramona Niguera de Chavolla, & Josefa Niguera de Dodero, providing that said interest conveyed in said Rancho shall be all taken in a body from the joint interests of all the said parties of the first part prior to its being divided among them, and provided further that said Jasper O Gunn shall at his own proper cost and without charge or expense to said parties of the first part or either of them, do or perform or cause to be done or performed all & every act and thing requisite & necessary to secure to said parties of the first part and each of them the use and control of their said interests in said Rancho and provided also further that if said Jasper O Gunn shall effect a sale of the interest of said parties of the first part or a compromise in reference thereto with any person or persons claiming an interest therein adverse to the claim of the said parties of

51

the first part, which said sale or compromise shall be beneficial to said parties of the first part, and made in good faith and for an adequate and fair price and in view of saving litigation as per tenor of a certain Power of Attorney bearing even date herewith executed by said parties of the first part to said Jasper D Gunn then all the aforesaid acts and things to be done and performed by said Jasper D. Gunn as the true consideration for and intent and meaning of these presents shall be considered as done and performed, and fully kept by him to the satisfaction of the parties of the first part.

C

Together with all and singular &c &c.

(Sgd) Petra Niguera her x mark de Mesa (Seal)
(") Juan his x mark Niguera (Seal)
(") Antonio Niguera de her x mark Bernal (Seal)

Signed & in presence of
Thos. Bodley

Ackgd (By subscribing parties) Mch. 16" 1858

Before Thomas S Godley N. P.

Filed for Record Mch, 18" 1858.

Liber "L" of Deeds pp. 472.

53

Jose Blas Sibrian & Wife
To
Michael Marshall
Deed.

Dated May 15th 1858.

Con $40.

C

Grant, bargain, sell, alien, remise, release, convey & confirm unto the said party of the second part and to his heirs and assigns forever, all their right title and interest in and to that certain tract or parcel of land, situate, lying and being in the County of Santa Clara, in the State of California known as the Rancho de Pala and bounded by the Arroyo del Aguage on the North, by the Pueblo lands of the Pueblo de San Jose on the West, on the South by the Rancho del Socayre or Yerba Buena, and on the East by the mountains (Sgd) Jose Blas his x mark Sibrian (Seal)
" Mª Antonio her x mark Siguera (Seal)

53

Ackgd May 5th 1858.
Before A. O Naughton N. P.

Recorded Liber "L" of Deeds pp. 543.

55.

Jose Antonio Niguera
To
Jasper D Gunn

Deed

Dated Aug 25. 1860.

Cons $150

C

Does hereby remise release and forever quit claim unto the said party of the second part and to his heirs & assigns forever. All his right title claim and interest both at law and in equity of in and to all that certain piece or parcel of land, lying situate and being in the said County and State and known as the Rancho de la Pala, & bounded by the Arroyo de la Aguja and the foot hills by the Rancho of Antonio Chavolla on the South, and the Pueblo lands of the Pueblo de San Jose, and containing One square League more or less

Together with all & singular &c &c

(Sgd) Jose Antonio his x mark Niguera (Seal)

Signed sealed & delivered
in presence of
Geo. M. Yoell.

Ackg'd Sept 3" 1860.
By Jose Antonio Higuera
Proven by oath of Pedro Mesa to be the
person who executed foregoing instrument

Before Geo. M. Yoell N. P.

Filed for Record Sept 3" 1860.

Liber "N" of Deeds pp. 454.

57

Manuel Niguera and
Nicolasa Mesa de Niguera
(his wife,)
To
Jasper D Gunn
Deed
Dated Aug 25, 1860.
Consd $150.

C

Do hereby remise, release and forever quitclaim unto the said party of the second part and to his heirs and assigns forever.

All the one undivided half of all the interest of the said parties of the first part of in and to all that certain piece or parcel of land lying, situate and being in the aforesaid County and State known as the Rancho de Pala, bounded by the Arroyo de Agua and the foot hills by the Rancho of Antonio Chaboya on the South and by the Pueblo lands of the Pueblo de San Jose, and containing one square

57

league, more or less.

Together with all rc rc.

Sgd. Manuel his X mark Figuera (Seal)

" Nicolasa Mesa her X mark de Figuera (Seal)

Signed rc rc in rc.

Geo. M. Yoell

Ackgd (in due form) Sept 4" 1860

Before George M. Yoell N.P.

Filed for Record Sept 4" 1860.

Liber "N" of Deeds pp. 455.

all to here.

59

In the matter of the Guardianship of the persons and Estates of Richard R. Wallace & Ryland B. Wallace. Infants.

In the Probate Court of Santa Clara County Estate No. 235 Reg. B. p. 389

1861 July 26. Petition of Wm. T. Wallace filed. Shows, That petitioner is a resident of said County that Richard R. & Ryland B. Wallace are his infant children, residing with him in said County, that said infant children have for claim to have real property in said County, and therefore prays to be appointed Guardian of said minors and their Estate, according to the provisions of an act of the Legislature of California approved May 8th 1861.

C

Omit this 4.

" " Order made &c. that said Wm. T. Wallace be, and hereby is appointed Guardian of said Minors, Richard R. Wallace & Ryland B. Wallace.

1861 July 26. This appointment is made pursuant to an act of the Legislature, approved May 8th 1861.

Bond $1000. required

" " Bond of Guardian approved & filed.

" " Letters of Guardianship issued.

61.

C. E. Allen
Administrator of the Estate
of Charles White deceased.
To
S. J. Newsley

This deed is made under & by virtue of an act of the Legislature &c. approved April 6th 1860 and amended April 10 1861. Authorizing said Administrator to convey Real Estate &c.

C

Deed.

Dated March 18th 1862.

Consd $1500.

Grant, bargain, sell, and convey and confirm unto the said party of the second part and to his heirs and assigns forever, the following described tract or parcel of land lying and being in the County of Santa Clara & State of California, and being a part of the "Rancho Pala" confirmed to the heirs of Charles White deceased, and described as follows, Beginning at the North Western corner of lands (being a part of said Rancho) heretofore sold to Wallace and Ryland -

61

and Northerly along the Western boundary of said Rancho to such points as a line drawn parallel with western boundary of said Rancho, and a line drawn parallel to the Eastern & Western line of what would be the North Western line of the lands of Wallace & Ryland would include within its boundaries 640 acres of land, the lands hereby conveyed being 640 acres in a square commencing at the North West corner of lands here tofore sold to Wallace & Ryland.

(Sgd)

Charles E. Allen Administrator of the Estate of Charles White.

The above and foregoing deed of conveyance is approved March 18th 1862

John H. Moore, Probate Judge

Ackgd March 18th 1862

Before Thos. Bodley N.P.

Recorded March 19th 1862

Liber "P" of Deeds pp. 264.

63.

1862 August 8th 1862. Report of foregoing
Sale and Petition of Charles E.
Allen Administrator &c. for confirm
C ation of same to Nensley

Aug 8 Having at Chambers this day examined
the same (Report of Sale), I do
now hereby confirm the within re-
ported Sale as just and proper and
for the interest of said Estate and
the Conveyance by said Administrator
made March 10th 1862 to Samuel
J. Nensley is hereby confirmed.

Isaac N. Senter, Probate Judge

Recorded Aug. 9th 1862
Liber "P" of Deeds pp. 696

Juan Niguera
To
Jasper D Gunn.
Power of Attorney
Dated April 10 1862.

C

Do make, constitute and appoint Jasper D Gunn of the said County and State aforesaid, my true and lawful Attorney in fact for me and in my name, place and stead, to ask, demand, sue for, recover and receive, all my right, title and interest in and to that certain tract or parcel of land, situate, lying & being in the County of Santa Clara and State of California, and known as and called the Ranche de la Pala formerly granted to Jose Joaquin Niguera, by the Mexican Government, & I do further authorize and empower my said Attorney in fact to bring and maintain any and all suits actions and demands in any Court whatsoever in my name to recover said interest in said land and to institute

65

any and all legal proceedings in order to recover the same, and to employ Counsel, and to do any and all acts whatsoever that my said Attorney in fact may deem fit and necessary or proper in the premises, and to pursue into final judgment and execution any process or suit as he my said Attorney in fact may deem expedient for the recovery of the same. And I do hereby authorize my said Attorney in fact, to grant, bargain, sell and convey the said land, either the whole or any part thereof, for such price or sum and upon such terms as to him my said Attorney in fact as shall seem fit. And for the purpose aforesaid I hereby authorize and empower my said Attorney to make, execute acknowledge and deliver requisite deeds bonds agreements, releases acquittances to the purchaser or purchasers of said land or to make, execute acknowledge or deliver any other instrument under seal or otherwise for any purpose what soever, as to my said Attorney in fact

C

shall seem fit. Giving and granting unto my said Attorney in fact full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises, as fully to all intents and purposes as I might or could do if personally present with full power of substitution and revocation, hereby ratifying and confirming all that my said Attorney in fact or his substitute shall lawfully do or cause to be done in the premises by virtue hereof.

In Witness &c.

Juan Maria his × mark Niguera (Seal)

Witness
Austin M. Thompson.

Ackwd. April 10 1862.
Before Austin M. Thompson N. P.

Filed for Record June 23, 1862
Book "A" Power of Atty pp. 477.

67.

Juan Maria Viguera
By
His Attorney in fact
Jasper J. D. Gunn
To
William Daniels &
James R. Lowe.
Deed.
Dated June, 15, 1862.
C
Cons 5000.

Does remise release and quit claim unto the said parties of the second part their heirs and assigns forever

All the right title, claim and interest of Juan Maria Viguera, both at law and in equity of in and to all that certain piece or parcel of land lying being and situate in the County of Santa Clara, State of California and known as the Rancho en Pala, and bounded by the Arroyo de Agoja and the foot hills, on the South by the Rancho of Antonio Chavaya and by the Pueblo lands of

San Jose, and containing one square league of land, more or less.

To have & to hold &c. &c.

Sgd Juan Maria Nigura (Seal)
By his Attorney in fact
Jasper D Gunn.

Ackwdg June 5th 1862.

By Jasper D Gunn, Attorney in fact of Juan Maria Nigura.

Before Samuel N. Wright N. P.

Filed for Record June 11. 1862.

Liber "P" of Deeds pp. 515.

69.

C

Ellen E. Allen
Vs.
P. M. Alden et al.

In the Third District Court, County of Santa Clara, State of California
No 1700.
Reg. "E" pp 309.

1862
Nov 1. Complaint filed
Avers Ouster on the Rancho Pala January 1st 1857.

" " Complaint verified

" 3 Summons issued

Dec 16. Summons filed on return, shows service on Wm McClay, G. Brohaska, W. N. Ayers, and 24 other defendants

" 19 Default of sundry Defendants entered.

1864
Jany 26. In open Court, on motion of Plaintiffs Attorney cause discontinued as

to all Defendants except Wm McClay, G. Brohaska and N. N. Ayers, against whom judgment was entered for the whole of the Pala Ranch in favor of Plaintiffs

Liber "C" Judgments pp 582.

1864
Jany 30. Satisfied in full in Judgment Docket Feby 27th 1864

" 30. Writ of Restitution issued

Feby 27 Writ filed on return.

Copy.

I hereby certify that I executed the within Writ by placing plaintiffs in the quiet and peaceable possession of all the within described premises except that occupied by Wm McClay, and collected all costs due and return this writ satisfied except as to said Wm McClay

Feby 27 1864.

A. Kennedy Sheriff
By J. Browne Deputy.

71.

Charles E. Allen Admr.
of the estate of Charles White decd.
To
Austin M. Thompson
Deed.
Dated July 30th 1863.
Cons $1000.

C

omit this ?

Recites that by virtue of Act of the Legislature &c. entitled "An Act to authorize the Administrator of the Estate of Charles White decd to sell and convey real estate" approved April 6th 1860. and an amendment thereto entitled "An Act to amend an Act to authorize the Administrator of the Estate of Charles White, decd to sell and convey real estate" Approved April 6th 1860. Approved April 15th 1861
Now, Therefore &c. &c.
Does grant, bargain, sell and convey unto the said party of the second part and to his heirs and assigns forever. All that piece or parcel of land lying & being situate in the County of Santa Clara, California, and being

a portion of the Rancho de Pala.
Commencing at the most Western corner of said Rancho de Pala, upon the Arroyo Penitencia as finally surveyed by John Wallace U. S. Deputy Surveyor, at Station 'P No 3' of said survey and running thence Southeasterly along the line of said survey 32 chains more or less to its intersection with the line of Pueblo lot No. 72 of the common lands of the City of San Jose, as surveyed by Sutton in 1847 and resurveyed by Charles T. Healy in 1857 thence North Easterly along the last named line 42 chains more or less to the corner of said lot according to said Healy survey. thence North Westerly along the line of said lot 30 chains more or less to the aforesaid Arroyo Penitencia: thence down the center of the channel of said Creek to the place of beginning. Containing 100 acres of land more or less and being all that portion of Pueblo lot No. 72 which is included in the final survey of

C

73.

said Rancho de Pala.
Together with all &c &c.
(Sgd) C. Allen. (Seal)
Adm. of the Estate of Chas. White. decd
Ackwd. July 30 1863
Before Charles N. Senter J. N. P.

To the Hon. Isaac N. Senter.
Probate Judge of the County of
Santa Clara, California.

The undersigned Administrator of the Estate of Charles White decd, respectfully represents that the following described Tract lying and being situate in the County of Santa Clara California, to wit: All the portion of Pueblo lot No. 72 of the common lands of the City of San Jose, which is included in the final survey of the "Rancho Pala" is the property of said estate; that by the authority of the statutes in such cases made and provided as Administrator, I bargained with Austin M. Thompson, and did on the 30th day of July A. D. 1863, sell to said

Austin M. Thompson the said described tract of land for the sum of $1000: that said sum is the fair value of the same, and that it is for the interest of the said estate that the sale should be confirmed. Wherefore, the under signed asks that your Honor would approve said sale.

Dated 31st day of July 1863.

C. S. Allen
Admr. of the Est. of Chs. White, decd.

C

The foregoing having been this day made to me I having at Chambers examined the same. I do now hereby confirm the above reported sale as just and proper and for the interest of said Estate, and the conveyance made by said Administrator on the 30th day of July 1863 to Austin M. Thompson is hereby fully confirmed

Dated July 31st 1863. Isaac N. Senter
Probate Judge.

Recorded Aug 3rd 1863
Liber "R" of Deeds pp. 264.

75

Charles E. Allen
Admr. of the Estate of
Charles White deceased
To
Austin M. Thompson.
Deed

Dated May 6, 1865.

Cons. $1000.

C

Recites, That Charles E. Allen Administrator of the estate of Charles White, deceased, duly authorized and empowered by law to sell at public or private sale, at his discretion, and without having first obtained an order of the Probate Court therefor, the whole or any portion of the Real Estate or any right, title or interest therein claimed, held or owned by the said Charles White, at the time of his death, as in the judgment of such Administrator will best promote the interests of those entitled to said estate, having on the 22d day of April A. D. 1865 made a full return and report to this Court of a sale of Real Estate belonging

to said Estate made by said Administrator by virtue of the premises granted to him by law, said sale being made to Austin M. Thompson for the sum of $1000. and for the premises hereinafter described; and the Court having on said 22d day of April A. D. 1865 made an Order setting the 6th day of May A. D. 1865 at 11 o'clock A.M. and the Court room of this Court as the time & place for making return and hearing and examining the proceedings of said Administrator of said sale and for the filing by any person interested in the said estate of written objections to the confirmation of said sale, and for the hearing of and the production of witnesses by such persons in support of his objections: and notice of at least ten days was directed to be given thereof by posting written or printed notices of the same, in three public places in said County, briefly indicating the land sold and the sum for which it was sold, and referring to the return for further partic-

ulars; and also that a copy of said notice should be served on D. Nall Esq. the Attorney for all the heirs of said deceased, a copy of which said report, & return and order aforesaid are now on file and on record in the said Probate Court, and in said County Recorders office of said County, and are hereby referred to and made a part of this indenture.

And Whereas the said Probate Court upon due and legal return of his proceedings under the said sale, made by the said party of the first part, on the 16th day of May A.D. 1865 and after the making of said sale, upon notice of at least ten days given in such manner as the said Court had directed, made an order confirming said sale and directing conveyances to be executed to the said Purchaser, conveying to him all the right title and interest and estate of said intestate in said premises at the time of his death and all the right title and interest that the said estate by operation of law or otherwise may have acquired in the said premises

other than or in addition to that of the said intestate at the time of his death - a certified copy of which order of confirmation was recorded in the office of the said County Recorder of said County of Santa Clara within which the said land sold is situated, on the 6th day of May A. D. 1865. at 12. o'clock PM. of said day, and is on record in said office in Volume ~~~ of Deeds, pages ~~ and following, and which said order of confirmation now on file and of record in the said Probate Court and which said record thereof in said Recorders Office are hereby referred to and made a part of this indenture.

Now, Therefore, the said Party of the first part pursuant to the order last aforesaid, for and in consideration &c. &c.

Does grant, bargain, sell and convey unto the said Party of the second part, his heirs and assigns forever.

All the right title, interest and estate of the said Charles White deceased, at the time of his death, and all the

right, title and interest that the said Estate by operation of law or otherwise may have acquired other than or in addition to that of said intestate at the time of his death in and to that certain lot, piece or parcel of land situate lying and being in the said County of Santa Clara, as described as follows to wit:-

The following described piece or parcel of land lying, situate and being in the County of Santa Clara, in the State of California, and being a portion of the "Rancho de Pala" Commencing at the most Western corner of said Rancho de Pala, upon the Arroyo Penitencia as finally surveyed by John Wallace, U. S. Deputy Surveyor at Station "P No 3" of said survey, and running thence South Easterly along the line of said survey 32 Chains more or less to its intersection with the line of Pueblo lot No 72. of the common lands of the City of San Jose as surveyed by Hutton in 1847. Land surveyed by Charles D.

Nealy in 1857 - thence North Easterly along the last named line 42 chains more or less to the corner of said lot, according to said Nealys Survey; thence North Easterly along the line of said lot 32 chains more or less to the aforesaid Arroyo Penitencia - thence down the center of the channel of said Creek to the place of beginning. Containing 100 acres of land more or less. and being all that portion of Pueblo lot No 72 which is included in the final survey of said "Rancho de Pala" together with the tenements, hereditaments and appurtenances whatsoever to the same belonging or in any wise appertaining.

To Have and to hold &c &c

C C Allen (Seal)

Admr. of the Estate of Chas. White dec'd

Ack'd May 8th 1865.

Before M. Leavenworth Clk Recorder

Recorded May 9th 1865.

Liber "I" of Deeds pp. 603.

81.

Ellen Allen
Vs.
Francisco Bernal et al.

In the Third District Court in and for the County of Santa Clara, State of California
No. 2122.
Reg. "D" pp. 191.

C

1865.
May 26 Complaint filed
Avers Ouster by Defendants of the undivided one half of the Pala Rancho May 1st 1865.

" 27 Summons issued

June 13 Summons filed on return, shows service on June 2d 1865 on Rufina Mesa de Bernal, Charles Smith and J. N. Stonier, and on Francisco Bernal on the 5th June 1865.

" 19 Action Dismissed order filed

Joaquin Niguera Plaintiff Vs. Charles E. Allen Administrator de bonis of the Estate of Charles White deceased.	In the Third Dis trict Court County of Santa Clara State of California
Ellen E. Allen Mary E. White and Charles E. White, minor heirs of Charles White deceased William T. Wallace & Louis T. Ryland.	No 2186 Defendants

1865
Sept 25. Complaint filed

Complaint avers that Plaintiff sues as a son and legitimate heir of Jose Joaquin Niguera, deceased, and his legitimate wife Maria Bernarda De Soto deceased, that said Jose Joaquin Niguera died in the year 1838 that previous to his death on the 3d of October 1838 he made his last will and Testament according to the laws then in force, in which

83

he left the said Rancho de Pala to his wife, Maria Bernarda De Solo, during her natural life with the power to make final disposition of the same, and an usufruct in the whole Rancho aforesaid to all his legitimate heirs that said last will and testament can not be found that a forged translation of what purported to be a copy of last will and Testament was presented before the United States Land Commissioner in order to defraud the plaintiff out of his rights and inheritance, that at the time of his death said Don Joaquin Niguera left four male heirs, the Plaintiff Joaquin Niguera, Jose Manuel Niguera, Jose Antonio Niguera, Juan Maria Niguera and seven daughters Maria Petra Niguera De Mesa Maria Josefa Niguera De Chaballo. Maria Josefa Niguera De Dodora Maria Antonia Niguera De Bernal Teresa Niguera De Mesa

1865 Maria Antonio De Chabolla
Sept 25 Maria Domingo De Paliz
who are all still living, that
said daughters have all received their
marriage portions, that said Maria
Bernarda De Soto before her death
towit: on the 29th Sept 1840 made
her last will and Testament in due
form of law, in which she declared
that she left in favor of her sons,
Joaquin Niguera, Manuel, Jose
Antonio and Juan Niguera - the
lands left by her deceased husband,
thereby meaning the undivided whole
of the said Rancho de Pala..
(Copy of will filed)

" 25th. Complaint verified

" " Suit to set aside deed of July 12th
1852 from Plaintiff to Charles White
as fraudulent and that plaintiff
is entitled to an undivided one fourth
of the Rancho de Pala

85 C

Sept 28. Summons issued

Oct 25. Summons filed on return, shows service on all Defendants.

Nov. 15. Demurrer filed

1866.

Jany 24. Amended Complaint filed

Feby 7 Demurrer filed.

May 16 Answer filed (for all Defendants.)

" 14 C E Allen appointed Guardian ad litem for Charles E White & Mary E. White.

" 26. Judgment entered in favor of defendants for the whole of the Rancho Pala, Wallace & Ryland the South 640 acres, and the other Defendants remainder of the Ranch. Judgment book "D" pp 242.

" 26. Judgment not Docketed Roll filed.

86

1867
May 28 Writ of restitution issued

Copy of Judgment

It is now here
by the Court ordered, adjudged and decreed
that the said Plaintiff has not and
did not have at the commencement of
this Action any right, title or interest
or estate in and to the said Rancho
Pala aforesaid (so defined and bounded
in said official survey thereof) or any
part or parcel thereof. That the De-
C fendants Wm. T. Wallace, and
Louis T. Ryland are seized in fee
and entitled in law and equity of
in and to the whole of the said 640
Acres tract aforesaid (portion of said
Rancho Pala) and to the premises thereof
that the said defendants Wm. T. Wal-
lace and Louis T. Ryland do have
and recover of and from the said Plain
tiff the said 60 acre tract of land
aforesaid together with the sum of
$900. rents and profits thereof. That

87

the said defendants Ellen E. Allen, Mary E. White & Charles E. White are and now at the commencement of this suit seized in fee of and entitled to the possession of all and singular the said premises called "Calai" according to the survey thereof by the U. S. Deputy Surveyor as aforesaid, except the said 640 acre tract belonging to the said Defendants, Wm. G. Wallace & Cairis T. Ryland. That the said defendants Ellen E. Allen, Mary E. White, Charles E. White, do shave and recover of the Plaintiff the said land and premises hereinafter mentioned as the tract of 49 acres together with the sum of $734. rents & profits thereof.

And it is further ordered adjudged and decreed that the defendants in this action do recover of the plaintiff their costs herein taxed at $167.60. May 26th 1866.

S. B. McKee
Dist Judge

C

Owns this 4,

C

Samuel J. Nensley Plaintiff Vs Alanson Story Dick Nishemmon Charles Smith Jack Drinkwater Benjamin Patterson John Patterson John Doe Tom Butts Richard Roe	In the Third District Court in and for the County of Santa Clara State of California No 2236 Reg. "D" 308 Defendants

1865
Dec 13th Complaint filed

Suit in ejectment for four ninths of the Pala Ranch (same description as in Deed from Allen Administrator to S. J. Nensley see page of this Abstract, Avers ousted by Defendants August 2d 1862.

Wherefore said Plaintiff prays that said defendants be adjudged to render to said Plaintiff the possession of said premises, and that they be

89

1865 adjudged to pay to him the sum of Five Thousand Dollars for damages, and rents and profits of said premises and that they also pay costs of suit

Thomas Bodley and
S. O. Naughton
Atty's for Plaintiff

C.

Dec 14 Summons issued
Summons filed on return shows service in Santa Clara County, Dec. 18th 1865 on Defendants, Charles Smith, Jacob Drinkwater, Benjamin Patterson John Patterson and Tom Butts & Story. A further return shows that Wiskemmon, John Doe, & Richard Roe after diligent search in Santa Clara County, could not be found

" 21. Answer of Defendants Alanson Story, Charles Smith, Jacob Drinkwater, Benjamin Patterson John Patterson and Tom Butts filed

" 29 The undersigned object to the use of their

1865 names in defence of said action and that the answer now on file herein is unauthorized by them and that they will take the necessary steps to have the same withdrawn.

Alanson Story
Jacob Drinkwater
Benjamin Patterson
John Patterson
Tom Butts
Charles Smith.
By their Attorney
Jno. B. Spencer

Dec 29 Service Acknowledged by B. B. Allen

30 Stipulations filed

1867
Sept 27 Notice of Substitution of Jno. B. Spencer as Attorney for Defendants

1868.
May 12. Judgment entered in favor of Plaintiff for 640 acres set forth in the complaint
Jno. B. Newson
Clerk.

91

1868 May 28.	Judgment Docketed and Roll filed Recorded Judgment Book "D" pp. 503.
21.	Notice of motion for new trial filed served on Plaintiffs Attorney.
"	Statement on motion for new trial filed
Aug 18.	Amendments to Statement filed
Dec 18.	Notice of same filed
1869 Jany 13.	Engrossed statement on motion for new trial filed.
Feby 1"	Order staying proceedings pending appeal filed.
" "	Notice of appeal filed (served)
" "	Undertaking on appeal filed
1870 August 25	Remittitur filed
	Judgment reversed and new trial ordered.

The United States of America
To
Ellen S. White et als.
Patent.

Dated Oct. 8. 1866.

The United States of America. To all to whom these presents shall come, Greeting: Whereas, it appears from a duly authenticated transcript filed in the General Land Office of the United States, that pursuant to the provisions of the act of Congress, approved the 3rd day of March 1851, entitled "An act to ascertain and settle the private land claims in the State of California" Charles White as claimant filed his petition on the 26th day of July 1853 with the Commissioners to ascertain and settle the private land claims in the State of California, sitting as a Board in the City of San Francisco in which petition he claimed the confirmation of his title to a tract of land called Pala containing one square league situated in the County of Santa Clara and

State aforesaid, said claim being founded on a Mexican Grant to Jose Riquera, made on the 15th day of November 1835 by Jose Castro then Governor ad interim of the Territory of Upper California and approved by the Territorial deputation on the 10th day of December 1835.

And Whereas the Board of Land Commissioners aforesaid on the 19th day of December 1854 in the cause entitled

"The Widow and Heirs of Charles White"

vs.

"The United States."

rendered a decree of confirmation as follows: In this case on hearing the proof and allegations it is adjudged by the Commission that the claim of the said petitioners is valid, and it is therefore decreed that the same be confirmed: and that the said widow and their children of said Charles White, deceased, have and hold the premises hereby confirmed to them in the several shares and pro-

portions to which they are respectively entitled by law as the widow and children of said Charles White deceased.

The land of which confirmation is hereby made is situated in the County of Santa Clara and is known by the name of Pala, being the same formerly occupied by Jose Niguerra and is bounded and described as follows to wit:

Commencing in the line of the lot which lays at the South of said Ranchy and faces towards the North, at the foot of the hills and running thence North along the foot of said Hills 2500 varas to the Arroyo del Aguage: thence along said stream towards the West 2000 varas in a straight line until it reaches the sawing lands formerly used by said Jose Niguera and to an Oak tree which was marked as a boundary when judicial possession of said Rancho was given to said Niguera in 1835. the said Arroyo being the line on this side of said Rancho; thence towards the South

passing by the Laguna del Sacaire, Arroyo, which rises from the same 5500 varas to the first tree of an Oak grove which was marked as a boundary when said judicial possession was given: thence towards the East 1850 varas, passing along the Arroyo de las Alisas, to the foot of the range of hills which runs from North to South containing one square league of land more or less: being the same land which was granted to Jose Niguerra, and of which judicial possession was given to him in 1835. as appears by said grant and the testimonial of said possession which are on file in this case, and to which reference is to be had for further description.

"Excepting however from this confirmation the hills above mentioned and the lands of the Rancho known as that of Antonio Chebaya and those called the lands of the town of San Jose" which decree or decision as appears from a duly certified transcript on file in the General Land Office, was on appeal affirmed by

the District Court of the United States, for the Northern District of California at a stated Term, on the 23d day of February 1857, and as also appears from a duly certified transcript on file in the General Land Office, the Attorney General of the United States having given notice that appeal would not be prosecuted in this case, the aforesaid District Court at a stated Term, on the 9th day of February 1858, ordered that claimants have leave to proceed under the decree of this Court heretofore rendered in their favor, as under final decree;

And Whereas it further appears from a certified transcript on file in the General Land Office, that this cause having been brought before the aforesaid District Court, in the matter of survey, the following proceedings were had in said Court, on the 18th day of January 1862:-

(follow along)

Compare here

97

"The United States vs "Ellen E. White et als Widow and Heirs of Charles White decd"	"L.C. No 638 "D.C. No 233. "In the matter of "the Survey and location of the Rancho called Pala."

C

This cause came on this day to be heard & was argued by Counsel, & thereupon, and in consideration thereof, the Court is of opinion that there is no error in the official survey of said Rancho. It is therefore ordered, adjudged and decreed, & the Court doth hereby order, adjudge and decree, that the said official survey be, and the same is hereby, approved and confirmed as a correct and final survey of said Rancho Pala. The survey hereby approved is the same made by John Wallace, in March 1858 containing 4454 8/100 Acres and approved by J. W. Mandeville U. S. Surveyor General for the State of California, on the 19th day of January 1860. a copy of the plat

of which survey, certified by the said J. W. Mandeville was filed in the Clerks Office of this Court on the 25th day of October 1860, and is hereunto attached, and marked, "approved January 18th 1862

Ogden Hoffman
U. S. Dist Judge"

And Whereas there has been filed in the General Land Office of the United States a certificate from the Clerk of the aforesaid District Court, dated Sept 7th 1866 shewing that an appeal being taken from the aforesaid decree confirming survey to the Supreme Court of the United States the said Supreme Court at the December Term 1864 dismissed said appeal and remanded the cause to said District Court for further proceedings: and that afterwards to wit: on the 26th day of December 1865 "the mandate of the Supreme Court aforesaid ordering the dismissal of said appeal and

directing such further proceedings as law and justice required in the said District Court, was ordered to be filed in said last named Court and leave granted to the claimants to proceed under the decree of January 18th A.D. 1862. as under final decree"

And Whereas under the 13th Section of said act of 3d March 1851 there have been presented to the Commissioner of the General Land Office, a plat and certificate of the survey of the tract of land confirmed as aforesaid, authenticated on the 8th day of August, 1866. by the signature of the Surveyor General of the public lands in California, which plat and certificate are in the words and figures following to wit:-

U. S. Surveyor General's Office
San Francisco California.

Under and by virtue of the provisions of the 13th Section of the Act of Congress of the 3d of March 1851 entitled

An Act to ascertain and settle private land claims in the State of California and of the 12th Section of the Act of Congress approved on the 31st of August 1852, entitled, "An Act making appropriations for the Civil and Diplomatic expenses of the Government, for the year ending the 30th of June, 1853 and for other purposes."

And Whereas the U. S. District Court for the "Northern District of California" rendered a decision whereby it recognized and confirmed the title and claim of Ellen D. White, et als Widow and Heirs of Charles White deceased, and the Attorney General of the U. S. having given notice that no further appeal would be prosecuted therein, as appears from the certificate of the said District Court, a copy of which is hereunto annexed: the said tract of land was surveyed in conformity to the grant thereof and the said decision, and I do hereby certify the accompanying map to be a true

and accurate plat of the said tract of land, as appears by the field notes of the survey thereof, made by John Wallace, Deputy Surveyor under the directions of this office, which having been examined and approved remain of record in said office.

And I further certify that by a final decree of the said District Court, as appears by the certificate thereof, which is also hereunto annexed, the survey aforesaid has become final and conclusive.

And I do further certify that under and by virtue of the said confirmation and other proceedings had in the matter, the said Ellen E. White et als Widow and Heirs of Charles White, deceased, are entitled to a Patent from the United States upon the presentation hereof to the General Land Office, for the said tract of land the same being bounded & described as follows, to wit:

(Here follows description of the Rancho by metes and bounds together with a diagram of said Rancho) Containing 4454 1/100 Acres

In Witness whereof, I have hereunto signed my name and caused the seal of the said office to be affixed, at the City of San Francisco, this 8th day of August A. D. 1866.

(Seal)

L. Upson.
U. S. Sur. Genl

Now Know Ye, That the United States of America, in consideration of the premises and pursuant to the provisions of the Act of Congress aforesaid of 3rd March 1851. Have Given & Granted, and by these presents Do Give and Grant, unto the said Ellen E. White et als, Widow and Heirs of Charles White deceased, and to their heirs, the tract of land embraced and described in the foregoing survey; but with the stipulation, that in virtue of the 15th Section of the said Act, the confirmation of this said claim & this Patent shall not affect the interests of third persons.

To have and to hold the said tract

with the appurtenances unto the said Ellen E. White et als Widow and Heirs of Charles White deceased, and to their heirs and assigns forever, with the stipulation aforesaid.

In testimony whereof, I, Andrew Johnson, President of the United States, have caused these Letters to be made Patent and the seal of the General Land Office to be hereunto affixed.

C

Given under my hand at the City of Washington, this 8th day of Oct in the year of our Lord 1866 and of the Independance of the United States the 91st.

<(Seal.)>

By the President. Andrew Johnson
By Edw. D. Neill, Secretary

I. N. Granger Recorder of the General Land Office

Recorded Vol. 6. pp. 193 to 201.

Recorded May 21. 1867
Liber "A" of Patents pp. 97 et seq.

Austin M. Thompson
To
Ellen E. Allen
Charles E. White & wife
Mary E. White

Deed

Dated May 31st 1867

Cons. $500.

Does grant, bargain and sell convey and confirm unto the said parties of the second part and to their heirs and assigns forever, All that tract of land situate in the County of Santa Clara in the State of California and lying to the Easterly of the City of San Jose and called Rancho "Pala", for a more particular description whereof reference is hereby made to the U. S. Patent and the survey thereof made by John Wallace (excepting the part of said Rancho owned by Wallace and Ryland) the interest hereby

105.

conveyed to Mrs Ellen E. White to be held by her only as of her seperate estate and so that the rents and profits thereof shall be applied to her sole and seperate use, and that the said Estate hereby granted to be held by the said parties of the second part in the same proportions as they held the same on the 15th day of May 1865 and not in other or different proportions

C

(Sgd) Austin M. Thompson (Seal)

Ack.d May 31st 1867
Before J. N. Logan N. P.

Recorded June 1st 1867
Liber "X" of Deeds pp. 544.

Ellen E. Allen
Mary E. White m/o
Charles E. White
Plaintiffs
Vs.
Francisco Bernal
Rufina Mesa de Bernal
A. B. Easterbrook
L. T. Chipman
Thomas Riley
Manuel Higuera
Olena Medoro (wife of said Manuel)
Sancho de Sangrado
Benito Juarez
Ramon Orona
Nelares Escobedo
John Doe
Richard Roe
Amos Davis
Henry Daniels
John Trespass
Chiquitas Muchachos
— Defendants

In the Third District Court in and for the County of Santa Clara State of California

No 2467
Reg. "E" pp 83

PWV

107 - 1867

May 31 Complaint filed

Suit in ejectment for the Rancho Pala in Santa Clara County re. Avers Ouster by Defendants on August 2nd 1862.

Ord

Wherefore the said Plaintiffs demand Judgment against said defendants for the possession of said premises and the following relief to wit: That it be adjudged that the said Plaintiffs are seized in fee of the said premises and that they are entitled to the possession thereof, and that the possession thereof by said defendants is wrongful and tortious, and that the defendants be adjudged to pay the costs of this action

Patterson Wallace & Stowe
Attorneys for Plaintiffs

" " Complaint verified

June 4 Summons issued

108-1867

June 17 Filed on return, shows service in Santa Clara County on June 7th 1867 on Defendants Rufino Mesa de Bernal, Michael Madden, A. B. Easterbrook, L. A. Chipman, Thomas Riley, Manuel Niguera, and B. F. Wearing (sued as John Doe) Francisca Bernal, and on June 20th on Jose Mesa Lysa S. Mesa, his wife.

Owl

" 15 Order extending time (10 days in which to answer or demurrer) as to Defendants, Chipman, Easterbrook, Riley & Madden

" 17 Demurrer of Francisco Bernal & Rufino Mesa de Bernal filed.

" 22 Answer of Easterbrook, Chipman, & Riley filed

1868

Jany 21 In open Court Judgment by default entered against Defendants, Michael Madden Manuel Niguera B. F. Wearing, (sued as John Doe)

109 - 1868
Jan
June 21

Jose Mesa (sued as Richard Roe) and Lysa S. Mesa sued as Chiquitas Muschachas.

" " Judgment entered in favor of Plaintiffs.

Now come the Plaintiffs by their Attorney and move the Court that Judgment be entered herein as prayed in the complaint against the Defendants served in this Action (said Action having been heretofore dismissed by the Plaintiffs as to the defendants A. S. Easterbrook, L. A. Chipman, and Thomas Riley) and it appearing to the Court that the Defendants hereinafter mentioned have been duly served with the process in this Action as required by law, and the legal delay for answering having expired and no answer or defense having been made herein by the Defendants hereinafter named except the Defendants Francisco Bernal and Rufino Mesa de Bernal (whose

out

1868 Jany 21" demurrer is now here withdrawn by said last named Defendants, It is therefore now been by the Court adjudged and determined that the Plaintiffs are now and were at the commencement of this suit together the owners in fee of all these certain premises and real estate in the Complaint described as follows, to wit; here follows full discription of the property.

" And as against the Defendants hereinafter named are entitled to the possession of the said premises by the said Defendants hereinafter named is tortious and unlawful

And it is now here further ordered and adjudged that the said Plaintiffs do recover against the said Defendants Michael Madden, Manuel Niguera B. F. Wearing (sued as John Doe) Jose Mesa (sued as Richard Roe) and Lysa S. Mesa (sued as Chiquitas Muschachas, and Francisca Bernal and Rufino Mesa

1868 de Bernal his wife, the possession of the whole of said premises above described, and that against all of the said last named Defendants (except the said Defendants Francisco Bernal and Rufino Mesa de Bernal his wife) the Plaintiffs further recover all the Costs of this Action taxed at $56.10 and that execution issued therefore

out

Judgment entered Jany 21st 1868.

Signed

A. S. Pomeray, Clerk.

Mch 27 Writ of Restitution issued

" 28 Writ of Restitution filed on return

I hereby certify and return that I have served the writ of Restitution hereto annexed in said County by removing from the premises all of the personal Goods and Chattels of Defendants. Jose Mesa and Rufino Mesa de Bernal his wife, and that the said Plaintiffs were put by me into quiet and peaceful possession of all

1868 Mch 28 and every part of the premises and Ranch within described, as against said Defendants on this 27th day of March A. D. 1868

Signed
J. N. Adams Sheriff
By R. P. Wall Deptf Shff

Jany 21 Judgment Docketed and Roll filed

Recorded Liber D of Judgments pp. 436.

pw

113 Charles E. White vs. J. W. Hardwick et als — Third District Court Santa Clara County State of California No. 2620. Reg. "E" pp. 230.

out

1869 Jany 26. Complaint filed

Suit in ejectment for Pala Rancho.

This suit was finally decided on Jury Trial in favor of Plaintiff for all land in possession of Defendants within the lines of the Ranch, the same being various small pieces along the Eastern line of the Ranch and not at all affecting the property searched.

Judgement entered Jany 26" 1869

" Docketed

Recorded in Judgment Book "D" pp 606.

Feby 5 Statement on motion for new Trial filed

114

1869 Sept 14.	Amendments filed
1871 Jany 9	Motion for new trial
" "	Order dismissing same (No appeal.)

over

115.

Charles E. Allen
Ellen E. W. Allen his wife (50¢ Stamp)
and Mary E. White (Canceled)
To
Charles Ed. White.

C

Deed

Dated Nov. 8th 1869.

Cons $1#

Do grant, bargain, sell, alien, remise, release, convey and confirm, unto the said party of the second part and to his heirs and assigns forever All those certain tracts and parcels of land situate in said County of Santa Clara and described as follows. That certain tract of land called and known as "Pala" or "Rancho Pala" lying Easterly of said City of San Jose.
(And other property)

(Sgd) Charles E. Allen (Seal)
Ellen E. W. Allen (Seal)
Mary E. White (Seal)

Ack.d Nov. 8. 1869
By Charles E. Allen & Ellen E. W. Allen
his wife, Before
James R. Lowe Jr. N. P.

Ack.d Nov. 8. 1869
By Mary E. White
Before James R. Lowe Jr. N. P.

Recorded Nov 9, 1869
Liber 16 of Deeds pp. 123

117

omit this 9.

Charles E. White
—Plaintiff—
Vs.
Charles J. Brenham
Mary N. Nensley
Charles B. Nensley and
Mary Nelen Nensley
—Defendants—

In Third District Court County of San ta Clara State of California

No 3323
Reg "E" pp. 608

part

1870
Nov 15.

Complaint filed.

Suit to quiet title to 640 acres of Pala Rancho (same description as in deed from Allen, Administrator to A. J. Nensley, see page of this Abstract.

Complaint avers that on and more than 15 years continually before the 15th of Nov. 1870 and to the present time, Plaintiff by himself or tenants, were in the actual, exclusive, uninterrupted, and adverse possession, and the owner in fee of the 640 acres described.

Prays that a guardian be appointed

1870
Nov. 15

ed to represent Charles 18 & Mary N. Wensley, who are minors

That Defendants be required to answer, & in answers to state and set forth the character and nature of any claim, they or any of them may have or pretend to have in the premises &c. and that the same may be heard and determined by the Judgement of this Court. That Plaintiff be decreed to be the owner in fee simple, absolute and lawfully & equitably in the possession of said premises, that each and every of defendants be decreed to have no right, title, claim or interest either legal or equitable in said premises or any part thereof. That Defendants, their heirs and assigns be perpetually enjoined and restrained from demanding or claiming any right, title or interest in and to said premises in any Court of law or equity in this State or elsewhere. &c.

put

119. - 1870

Nov 15. - Complaint verified

" 17 Summons issued

out

" 28 Summons filed on return, shows personal service (in Santa Clara County) on Mary Nelen Kensley and Mary N. Kensley, that Mary Nelen Kensley is a minor under the age of 14 years and lives with her Mother.

Shows personal service (in Santa Clara Cy) Nov 19th 1870 on Charles J. Brenham and Nov 21st 1870 on Charles B Kensley who is over the age of 14 years.

" 29 Answer of Mary N Kensley and Charles J. Brenham filed

Disclaim any claim to or right title or interest in premises sued for

" " Answer of Charles B. & Mary N. Kensley Jr by their General Guardian Mary N. Kensley Senr

+02.120

1870

Jany 28 Decree entered in favor of Plaintiffs in accordance with complaint and answers in open Court (Copy)

Judgment Docketed & Roll filed

Judgment Book "E" pp. 403.

103.131

Charles E. Allen &
his wife Ellen E. W. Allen, } 50¢ stamp
& Mary E. White } canceled

To

Charles E. White

Stop here

Deed

Dated Dec 1st 1871

Cut

Cons $1 +

Do grant, bargain, sell, convey & confirm unto the said party of the second part, and to his heirs and assigns forever, All that part of the Rancho "Pala" in the County of Santa Clara and State of California which is described as follows to-wit: Commencing on the Western boundary of the Pala Rancho as finally surveyed by John Wallace U. S. Deputy Surveyor, at a point where the centre line of the road which is the prolongation of Santa Clara St. in the City of San Jose intersects said boundary line thence along said boundary line N. 29° E. 185.83 chains to a post marked "C C" standing at the N. W. corner of land owned by Wallace & Ryland; thence along the Northern line of the said land of Wallace & Ryland;

omit this par.

104.122

thence N. 75° 52' E. 152.82 chains to a post in the Eastern boundary line of the said Rancho, standing at the most Northerly corner of the said Wallace & Ryland Tract, thence along the said Easterly line of the said Rancho N. 50° W. 150.99 chs to a post marked "Pala" standing at the foot of the hills from which the ruins of the old Adobe house of Niguera bears S. 64° W. 37.00 chains distant, thence continuing along the Eastern boundary line N. 23° W. 188.93 chs to a post marked "L" standing at the corner of land heretofore conveyed to Charles E. White by Charles E. Allen and others by deed dated April 28, 1868 and recorded in Liber 9 of Deeds pp. 101, 102 & 103 Records of Santa Clara Co thence along the line of said described as aforesaid S. 68¾° W. 47 44/100 chs to a post marked "U U" and thence S. 26¾° E. 40.51 Chains to the centre of a road 60 feet wide, thence along the centre of said road S. 49½° W. 35.50 Chains to the intersection

105.

of another road 60 feet wide, thence along the centre of said last mentioned road S. 32 1/2° E. 43.47 chains and S. 36 1/4° E. 17.42 chs. to the centre of a road 80 feet wide which is a prolongation of Santa Clara Street in the City of San Jose, and thence along the centre line of said last mentioned road S. 59° W. 35.915 chs to the place of beginning and containing 2892 155/1111 Acres of land more or less.

(and other property)

(Sgd) Charles E. Allen (Seal)
Ellen E. W. Allen (Seal)
Mary E. White (Seal)

Ackgd Dec. 11. 1871.
Before W. F. Aram. N. P.

Recorded Dec. 11. 1871
Liber 23 of Deeds pp. 263.

Note May 26th 1864. Judgment entered for taxes for 1862-3
Judgment satisfied in full Nov. 3. 1864.

123

Taxes all paid
No Judgment Liens

106/125

Transactions of San Jose Land Company & Mining agreement between Charles White & James M Jones (June 25th 1850) not shown.

S. J. Oct 18th 1877. W. J. Holahan
Searcher of Records.

Grantor, From.	Grantee, To.	Instrument	Page.
Expediente re			1
Juan Niguera	Charles White	Deed.	4
Charles White	Juan Niguera	"	6
Juan Niguera	John M. Murphy	"	7
Juan Niguera	Wm B Almond	Mortgage	9.
Estate of Maria	Bernardo Soto dec'd	Estate	11.
John M. Murphy	Juan Niguera	Deed	18
Juan Niguera & Wife	Charles White	"	19
Petra Niguera & Children	Charles White	Mortgage	21
M & Jose A Niguera	Juan Niguera	Deed	23.
J. J. M & M. P. Niguera	Charles White	"	25
Juan Maria Niguera	Charles White	"	28
Estate of Charles	White dec'd	Estate	29
D. Ygnira Deliz	A. M. Pico	Deed	37
Jose M Niguera et als	vs. J. Niguera de Mesa et als	Suit	39
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Continuation
as to the Interests remaining in
names of Ellen E. White, formerly
Ellen E. Allen. Charles E. White. and
Mary E. Staples. formerly Mary E.
Whitt. from Date of Partition Deed
Apl 28th 1868.

Note: See Deeds Allen and wife to
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Charles E. Allen and
Ellen E. W. Allen
his wife
Mary E. White and
Charles E. White

C

Deed of Partition

Dated April 28. 1868

Take this 9.

Recites that whereas the said Ellen E. W. Allen, Mary E. White and Charles E. White are now seized in fee as tenants in common <the said Ellen E. W. Allen being seized therein as of her separate estate> of a certain portion of the Rancho Pala situate in the County of Santa Clara in an Easterly direction from the City of San Jose <and being all the said Rancho Pala excepting one hundred and fifty four $\frac{66}{100}$ <$654\frac{66}{100}$> acres of the Southerly part thereof which is the property of W. J. Wallace and C. J. Ryland> Now in order to effect such a partition of the said portion so owned and held by them, the said Ellen E. W. Allen, Mary E. White, and Charles E. White as will set off to the said Charles E. White his estate in said lands in severalty, the said Charles E. Allen <who unites herein only that this conveyance and partition may be effectual in law> Ellen E. W. Allen, his wife

F. E. B.

127

and Mary E. White have in consideration of the premises and of One Dollar to them and to each of them in hand paid by the said Charles E. White, &c, do grant, bargain, sell, convey and confirm unto the said Charles E. White and his heirs and assigns forever in fee, all that certain part and parcel of said Rancho Pala which is bounded and described as follows, to wit: Beginning at a point in the center of the channel of the Penitencia creek, from which a witness post marked P No 3 bears S. 29° E. 50 links; a double live oak stump 8 feet high, marked B. T. P. No 3, bears S. 50½° E. 42 links; a sycamore tree 36 inches in diameter bears N. 80° E. 36 links and a sycamore tree 30 inches in diameter bears N. 86° W. 1.08 chains, being the most Western corner of the official survey of said Rancho made by John Wallace U. S. Deputy Surveyor thence S. 29° E. 149.98 chains to a point in the center of the Santa Clara Street road, so called, 80 feet wide upon the S. W. boundary of said Rancho, thence along the center of said road N. 59° E. 35.95 chains to the center of a road 60 feet wide thence along the center of said road N. 36¼° W. 17.42 chains, N 32½° W. 43.47 chains to the intersection of a road 60 feet wide, thence along the center of said road N. 49½° E 35.30 chains, thence leaving

the road, N. 26 3/4° W. 40.51 chains to a post marked V. V. thence N. 68 3/4° E 47.44 chains to a post marked I. upon the N. E. boundary of said Rancho as surveyed by said Wallace, thence along said boundary N. 23° W. 37.32 chains to a post marked P. No 2 on the Penitencia creek, from which a sycamore stump marked B.T.P. No 2 bears S. 23° E. 50 links: a double live oak tree bears N. 1° E. 15 links: a sycamore tree 15 inches in diameter bears S. 87° W. 53 links; being the most Northern corner of said Rancho, thence down the center of the channel of said creek, following its meanderings; N. 84 1/4° W. 6.90 chains, S. 72 1/4° W. 2.20 chains, S. 28° W. 4.20 chains,

S. 49 3/4° W.	5.20	" ,	S. 83° W.	3.40	" ,
N. 76° W.	3.90	" ,	S. 74 3/4° W.	4.30	" ,
S. 27 1/2° W.	4.30	" ,	S. 66° W.	8.00	" ,
S. 52 3/4° W.	3.40	" ,	N. 84 1/4° W.	3.00	" ,
S. 48° W.	4.00	" ,	N. 85 1/2° W.	2.90	" ,
S. 63° W.	3.95	" ,	S. 79 1/4° W.	7.20	" ,
S. 59 1/2° W.	4.60	" ,	S. 86 3/4° W.	6.10	" ,
S. 48° W.	6.30	" ,	S. 81 1/4° W.	6.30	" ,
S. 59 1/2° W.	11.50	" ,	S. 87 1/4° W.	6.50	" ,
S. 56 1/2° W.	6.50	" ,	S. 37 1/2° W.	6.30	" ,
S. 33° W.	5.00	" ,			

to the place of beginning, containing 979.22 acres.

To Have and to hold the said premises last

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aforesaid particularly bounded and described unto the said Charles E. White in severalty and unto his heirs and assigns forever. And the said Charles E. White for and in consideration of the premises and for and in consideration of the sum of One Dollar to him in hand paid by the said Ellen E. W. Allen and Mary E. White, &c, does by these presents grant, bargain and sell and convey unto them the said Ellen. E. W. Allen, <to be held and possessed by her as of her separate estate only and so that the rents, issues and profits thereof shall be applied to her sole and separate use> and to the said Mary E. White in fee all the other and remaining portion of that part of the said Rancho Pala hereinbefore mentioned as the part whereof partition should be made <excepting of course the said premises herein conveyed to the said Charles E. White in severalty> To have and to hold the said interest and estate hereby conveyed to the said Ellen E. W. Allen and Mary E. White as tenants in common in the same proportions to each of them respectively as they are or may now be entitled as being respectively the widow and the heir at law of Charles White deceased.

(sig'd) Charles E. Allen (seal)

E. E. Allen (seal)
Mary E. White (seal)
Charles E. White (seal)

C

Ackn'd (by all parties) May 1. 1868.
Before Charles G. Thomas. N. P.

Recorded May 1. 1868.
Liber 9 of Deeds page 101.

131

Charles E. Allen and
Ellen E. Allen, his wife
To
Wm C. Wilson

Mortgage

Dated April 9, 1869

Omit this.

To secure the payment of $600.00 in twelve months, with interest at 1½ per cent per month payable monthly, and if not so paid to compound,

Mortgages all that part of the Rancho Pala, which is bounded and described as follows.

Commencing at the North West corner of the land now rented to and in the possession of W. H. Wing at a Post marked Pala T. and running from thence along the South line of the Mc Kee road to the Eastern boundary line of said Rancho Pala, thence Southerly along the Eastern boundary line of said Rancho Pala, to a post marked Pala P. standing at the South east corner of the land leased Aug 14. 1867. to Henry Anderson, and Richard Mc Guiness, thence S. 49° 45' W. along the North line of the Story road to a post marked Pala K. standing in the South West corner of the land rented as above to H. Anderson & R. Mc Guiness; thence along the East side of the Reed road so called to the place of beginning

Omit

133

Containing 4 86. acres of land more or less,

Ackgd April 29. 1869

Before James R. Lowe, Jr N.P.

Recorded April 29. 1869

Liber D. of Mortgages pg 215.

Of the above debt there was paid
Sept 25th 1869 — $3000. + Int $454.15. and
May 4th 1870 — $3000. + Int $344.50 in full.

Attest E. P. Reed
Agent at the time of
Wm. C. Wilson

2

don't know about this

Omt

In the District Court of the Fifteenth Judicial District, of the State of California in and for the City and County of San Francisco.

Ellen E. Allen Plaintiff

vs

Charles E. Allen Defendant

Decree in Open Court. No 7933.

This cause having heretofore and on the 19th day of February A. D. 1873. been submitted for decision upon the complaint filed herein taken as confessed by the defendant, the default of said defendant having been regularly entered for failure to appear or answer, and the said defendant having been duly served with summons herein and having made default, and the evidence taken in said action as reported to this Court by the Commissioner, and the Court being advised caused its findings of facts to be filed herein,

And now by reason of the law and of the findings aforesaid, It is now here Ordered adjudged and Decreed by the Court, that the Bonds of Matrimony heretofore contracted and now existing between the plaintiff Ellen E. Allen, and the defendant Charles E. Allen, be, and the same are dissolved and annulled, and said plaintiff is hereby decreed to be henceforth a single woman

135

free from the restraint and control of defendant

And it is further ordered adjuged and decreed that plaintiff have the right to resume and use her name before her said marriage with defendant, to wit: Ellen E. White, and that plaintiff have judgment for her costs taxed at $

Ordered adjudged and Decreed in open Court this 21st day of February A.D. 1873.

Saml H. Dwinelle
Judge of Fifteenth District Court

Certificate attached of the County Clerk of the City and County of San Francisco that the foregoing is a full true and correct copy of the original Decree &c in above entitled action.

Recorded Dec 24, 1879
Liber A. of Miscellaneous p 547.

Charles E. White
To
James W. Castin

Deed

Dated June 6. 1868.

Cons'n #4234

Does grant bargain and sell convey and confirm unto the said party of the second part and to his heirs and assigns forever, all that certain lot piece or parcel of land, situate, lying and being in the County of Santa Clara State of California, and bounded and particularly described as follows, to wit:

Commencing at a post marked Pala Y, standing on the North side of the McKee road and on the Western boundary line of the Pala Ranch and running from thence North 29° West 29.86 chs. thence North 51°36' East 20.97 chs, thence South 29° East 29.17 chs to the North side of the McKee road, thence along the North line of said road South 49½° West 20.04 chs to the place of beginning, and containing 58 acres of land

(sig'd) Chas E. White (seal)

Witness
E. P. Reed

137

Recd for Rec VI

C

E P Reed Witness

Ackn'd June 6. 1868.

Before James R. Lowe Jr. N. P.

Recorded June 6. 1868.

Liber 9 of Deeds page 274.

Charles E. White

To

James W. Castie

Omit this

Deed

Dated May 4. 1870.

Consn One Dollars.

C

Does bargain, sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all that certain tract of land lying and being situate in the County of Santa Clara, State of California, which is bounded and described as follows, to wit: Commencing at a post marked Y standing upon the North side of the McKee road and on the Western boundary line of the Pala Rancho as established by John Wallace, U. S. Deputy Surveyor and reestablished by Chas. T. Healey U. S. Deputy Surveyor and running thence along said boundary N 29° West 29.53 chs to a post marked I. F. thence N 49° 30' E. 20.04 chs to a post marked M, thence S. 29° E. 29.53 chs to a post marked N. A. standing upon the North side of said McKee road, thence along said road S. 49° 30' W. 20.04 chs to the place of beginning Containing 58 acres of land. This deed

Part Lot VI

139

is given without consideration, to correct the description of the land conveyed to said Eastin by deed from said White dated June 6. 1868 and recorded in Book J. of Deeds, Pages 274 and 275 Records of Santa Clara County.

9

(sig'd) Chas E. White (seal)

Ack'd May 4. 1870.

Before John S. Beatley. N.P.

Recorded June 6. 1870.

Liber 17 of Deeds page 513.

Take this 9

Covers 229.70 acres Lots XIII & XIII a

Charles B. White
To
Wm B. Wilson

Mortgage

Dated May 4, 1870

To secure the payment of the sum of $ 2,500.00

Mortgages 229.70 acres (the property under search)

Recorded May 4. 1870

Liber R. of Mortgages p 539.

In the margin of the record "Satisfied in full this 9th day of May 1871

W. B. Wilson

Attest Jos R. Johnson Co Recorder
By Henry Uhrbrock Deputy"

141

Charles E. White

To

Wm B. Wilson

Mortgage

Dated Jany 3. 1871.

To secure the payment of the sum of $6000.00 in one year.

Mortgages 850. acres more or less, of the Pala Rancho (the property under search)

Ackgd Jany 3. 1871

Before James R. Howe Jr N. P.

Recorded Jany 4, 1871

Liber V. of Mortgages p 109.

In the Margin of the record. "Satisfied in full this 2d day of January 1872.

W. B. Wilson"

Attest. Jas R. Johnson Co Recorder

By Henry Whorbrock Deputy"

Take this

Covers Lots VII VIII IX XI XII of Section No 8. 235 Acres of Lot XIV

143

Charles B. White

To

Wm B. Wilson

Take this

Mortgage

Dated April 24, 1871

To secure the payment of the sum of $5000.00 in one year.

Mortgages 229.40 acres, part of the Pala Rancho and of part of the premises under search

Comes 229.70 acres to be Lots XIII & XIII a

Recorded April 25, 1871

Liber W of Mortgages p 342.

In the margin of the record "Satisfied in full this 2d of January 1872.

W. B. Wilson"

attest Jos R. Johnson Co Recorder

By Henry Uhrbrock Deputy

145

Charles E. White
To
I. A. Flickinger

Omit 9

ask ?

Out side Partition of Rch

Deed

Dated December 1. 1871.

Consn $22.900

Does grant, bargain, sell, convey and confirm unto the said party of the second part and to his heirs and assigns forever, All that certain tract of land, being a part of the Rancho "Pala" in the County of Santa Clara and State of California, described as follows, to wit: Commencing at a stake marked Q.Q. standing on the Easterly side of a County Road running through the lands of Wallace and Ryland and said stake being also in the line fence dividing the lands of Wallace and Ryland and said stake being also in the line fence dividing the lands of Wallace & Ryland from the lands of Charles E. White, and running from thence North 75.52 East 89.38 chains along the land of Wallace and Ryland to the Eastern line of the Pala Ranch as surveyed and patented, thence along said Eastern boundary line of said Ranch North 50° West 90.30 chains to a six inch redwood

147

post set in the ground, thence South 56° 55' West 60.70 chains to a road, thence South 36° 23' East 60.37 chains along the east line of said road to the place of beginning. Containing 520 $\frac{61}{100}$ acres, as surveyed by W. H. Leper Civil Engineer November 28. 1871, Also the right of way, over and upon the adjoining lands of the said party of the first part, where the present travelled road bounding said above described premises to the West is situated to the intersection of the Story road.

(sig'd) Chas E. White (seal)

Witness
W. F. Aram

Ackn'd December 11. 1871.
Before W. F. Aram N. P.

Recorded December 11. 1871
Liber 23 of Deeds page 267.

Charles E. White
To
Oliver P. & Benjamin W. Reeve

omit this

Deed

Dated October 4. 1873.

Consn $19,701 20/100

Do grant bargain and sell convey and confirm unto the said parties of the second part, and to their heirs and assigns forever All those certain lots pieces or parcels of land situated lying and being in the said County of Santa Clara, State of California and bounded and particularly described as follows, to wit: Beginning at a stake on the Pala Ranchs marked H.H. standing in the Eastern line of the White Road at the North Westerly corner of land heretofore sold to J. H. Flickinger and running thence along the Northern line of the said land of Flickinger N. 56° 55' E. 60.70 chs to a stake in the Eastern line of the Pala Ranch, Thence along this said Eastern line N. 50° W. 17.86 chs to a stake, Thence S. 56° 55' W. 56.40 chs to a stake in the fence along the aforesaid

Incl Partition of Pala

149

White Road, and thence along the aforesaid White Road, S. 36°. 20'. E. 17. 12 chs to the place of beginning, and containing 100 acres of land, Also beginning at a post marked C.C. standing in the Western line of the Pala Rancho, at the North Westerly corner of land heretofore in the possession of Wallace & Ryland and running thence along the Northern line of the said land of Wallace and Ryland so called to the White Road N. 76° E. 62.53 chs. Thence along the said White Road N. 36°. 20' W. 59.95. chs to a stake. Thence along a picket fence S 67°55' W. 53.29 chs to the aforesaid Western line of the Pala Rancho, and thence along this said Western line S. 29° E. 49.75 chs to the place of beginning and containing 305 $\frac{03}{100}$ acres as surveyed by J.H. Pieper, City Surveyor and Civil Engineer January 21st 1873.

(sigd) Chas. E. White (seal)

ackd October 22. 1873.

Before Henry Uhrbrock. N. P.

Recorded December 1. 1873.

Liber 29 of Deeds page 427.

Charles E. White

To

James Fogarty.

omit this

Deed

Dated: October 1. 1874.

Consn $23,138 32/100

Does grant bargain and sell, convey and confirm unto the said party of the second part and to his heirs and assigns forever all that certain tract of land lying and being situate in the County of Santa Clara and State of California and particularly described as follows to wit: Beginning at a point in the South Western line of the Storey Road where the Western boundary line of the Pala Rancho intersects the same, and running thence, S. 29° E. 62 44/100 chains along the Western line of the said Pala Rancho to the North Western corner of land sold by said White to O. P. & B. Reeve; thence N. 67° 55' E. 53 39/100 chains along the land of said O. P. & B. Reeve to the White road; thence N. 36° 15' W 78 30/100 chains along the Western line of the said White road, to the point of intersection with the South Western

Entirely Partitt of Pala

151

line of the aforesaid Storey road, and thence S. 49° 30' W. 44 $\frac{5}{100}$ chains to the place of beginning and containing 33 $\frac{815}{1000}$ acres as surveyed by J. H. Pieper City Surveyor Feby 24. 1874 All taxes assessed for the fiscal year 1874-5 on said property to be paid by said Fogarty

(sig'd) Chas E. White (seal)

Witness
E. P. Reed

Ack'd September 28. 1874
Before Jno T. Malone. N. P.

Recorded Oct 1. 1874.
Liber 33 of Deeds page 457.

Charles E. White and
Mary E. White
To
Ellen E. White

omit this

Deed

Dated October 27. 1874

Consn One Dollar

Does grant bargain and sell convey and confirm unto the said party of the second part and to her heirs and assigns forever, all that certain tract or parcel of land, portion of the "Pala Rancho" lying and being in the County of Santa Clara State of California and bounded and described as follows to wit:

Beginning at the point of intersection of the Eastern line of the White or Evergreen road with the Southern line of the Santa Clara Avenue, and running thence along said Eastern line of the White road S. 36° 10' E. 23. 42 chains to a stake, thence along the line of a fence N 49° 20' E. 64.55 chains to the Eastern line of the "Pala Rancho", thence along the Eastern line of the Pala Rancho, N 23° W. 58.04 chains to the point of intersection with the Southern line of the Santa Clara Avenue, S. 26° 20' W. 83.04 chains and S. 59° 15' W. 4.05

all of lot XL

153

chains to the place of beginning, containing 260 $\frac{297}{1000}$ acres.

(sig'd) Chas. E. White (seal)
Mary E. White (seal)

Ackn'd October 27. 1874.
Before Chas F. Wilcox. N.P.

Recorded Oct 28. 1874.
Liber 35 of Deeds page 38.

Charles E. White and
Ellen E. White
To
Mary E. White

omit this

Deed

Dated October 27. 1874

Consn One dollar

Doth grant bargain and sell convey and confirm unto the said party of the second part and to her heirs and assigns forever All of those certain tracts and parcels of land lying and being in the County of Santa Clara and State of California, being portions of that larger tract of land known as the "Rancho Pala" bounded and described as follows, to wit: Beginning at the point of intersection of the Northern line of the McKee road, with the Eastern boundary line of the "Pala Rancho" N 23° W. 64.44 chains to a post; thence S. 61° W. 34.60 chains to a post: thence S. 29° E. 53.71 chains to a post standing in the Northern line of the aforesaid McKee road; thence along the northern line of the McKee road, N. 75° 30' E. 13.68 chains to a stake: S. 81° E. 9.81 chains to a stake and N. 68° 30' E 6.90 chains to the place of beginning and containing

155

185 acres.

Also that other tract of the aforesaid "Rancho Pala" beginning at the point of intersection of the Northern line of the Santa Clara Avenue with the Eastern line of the "Pala Rancho" and running thence along the said Eastern line of the "Pala Rancho" N. 23° W. 10.38 chains to the Southern line of the McKee road; thence along the Southern line of the McKee road, S. 68° 30' W. 6.88 chains S. 87° 35' W. 0.72 chains, N 81° W. 9.38 chains; S. 75° 30' W. 16.12 chains; and S. 49° 35' W. 6.51 chains to a post; thence S 40° 25' E. 19.57 chains, to a post; thence S. 63° 40' E. 18.90 chains to the Northern line of the Santa Clara Avenue; and thence along said Northern line of the Santa Clara Avenue N. 26° 20' E. 25.69 chains to the place of beginning, and containing 80 $\frac{393}{1000}$ acres; & other tracts Also that other tract of the aforesaid "Rancho Pala" beginning at the intersection of the Western line of the Pala Rancho with the Northern line of the "Storey Road" and running thence along the Northern line of the said Storey road N. 49° 30' E. 44.07 chains to its point of intersection with the Western line of the White or Evergreen road, thence along the Western line of the said White road N. 36° 10' W. 65 chains to its point of intersection with the Southern line of the Santa

Lot No VII

Out

Clara Avenue; thence along the Southern line of the Santa Clara Avenue S. 59° 15' W. 37.24 chains to the North eastern corner of land in possession of Chipman; thence along the Eastern line of the said Chipman's land, S. 37° 50' E. 13.33 chains to its point of intersection with the Western line of the "Pala Rancho" thence along the Western line of the said "Pala Rancho" S. 29° E. 58.94 chains to the place of beginning and containing $271\frac{088}{1000}$ acres. (& other prop.)

LOT XIII

(sig'd) Chas E. White (seal)

E. E. White (seal)

Ackn'd October 27. 1874.

Before Chas F. Wilcox. N.P.

Recorded Oct 28. 1874.

Liber 35 of Deeds page 36.

157

2nd clip map

Mary E. White and
Ellen E. White
To
Charles E. White

Mir this 9

Deed

Dated October 27. 1874.

Con'n One Dollar

Doth grant bargain and sell convey and confirm unto the said party of the second part and to his heirs and assigns forever, all of those certain tracts and parcels of land lying and being in the County of Santa Clara and State of California being portions of that larger tract of land known as the "Rancho Pala" bounded and described as follows to wit: Beginning at a point in the middle of the Channel of the "Penitencia Creek" where the Eastern boundary line of the "Pala Rancho" intersects the same, and from which point of intersection a post marked "P. No 2," bears S. 23° E. 0.37 chains; a sycamore stump bears S. 23° E. 0.87 chains and a double live oak tree bears S. 36° E. 0.19 chains distant, and running thence down the middle of the channel of the aforesaid Penitencia Creek N. 87° 45' W. 4.23 chains, N 81° 15' W.

157½

3.20 chains, S. 55° 5' W. 3.47 chains, S. 37° 15' W. 3.91 chains, S. 39° W. 2.75 chains, S 62° 30' W. 1.88 chains, N. 89° 30' W. 2.90 chains, N. 77° W. 3.50 chains, S. 73° 15' W. 4.90 chains, S. 20° W. 3.45 chains, S. 57° 45' W. 2.85 chains and S 75° W. 3.60 chains; Thence S. 29° E. 0.60 chains to a post standing on the left bank of the aforesaid Penitencia Creek; thence S. 29° E, 18.79 chains to a post; thence N. 61° E. 34.60 chains, to a post standing in the Eastern boundary line of the Pala Rancho, and thence along the Eastern boundary line of the said Rancho, N. 23° W. 15.22 chs to the place of beginning and containing $65\frac{293}{1000}$ acres.

Also, that other tract of the aforesaid "Rancho Pala" beginning at the point of intersection of the Northern line of the McKee road with the Eastern line of the White or Evergreen road, and running thence along the Northern line of the said McKee road, N 49° 35' E. 49.07 chains, and N. 75° 30' E, 2.85 chains to a post: thence N. 29° W. 36.68 chains to a post, thence S. 61° W, 50.89 chains to a post standing in the Eastern line of the aforesaid White or Evergreen Road, and thence along the Eastern line of said Road S. 29° E. 45.62 chains to the place of beginning and containing $206\frac{359}{1000}$ acres: Also that

LOT No 1

LOT No 7

other tract of the aforesaid "Rancho Pala" Beginning at a stake in the Southern line of the McKee Road 23.50 chains distant from the point of intersection of the said Southern line of the McKee road, with the Eastern line of the White or Evergreen road, and running thence S. 40° 25' E. 23.39 chains to a post: thence S. 63° 40' E. 22.75 chains to the Northern line of the Santa Clara Avenue, thence along the said Northern line of the Santa Clara Avenue N. 26° 20' E. 18.94 chains to a post; thence N. 63° 40' W. 18.90 chains to a stake; thence N. 40° 25' W. 19.57 chains to the Southern line of the McKee Road, and thence along the said Southern line of the McKee road S. 49° 35' W. 19.00 chains to the place of beginning and containing 80 $\frac{186}{1000}$ acres. Also that other tract of the aforesaid "Rancho Pala" beginning at the point of intersection of the Western line of the White or Evergreen road with the Northern line of the Santa Clara Avenue and running thence along the Western line of the said White road. N. 36° 10' W. 16.95 chains and N 32° 20' W. 42.70 chains to the Southern line of the said McKee road; thence along the southern

LOT VIII

LOT X

158

Lot X

line of the said McKee road S. 49° 35' W. 31.08 chains to its point of intersection with the Western line of the Pala Rancho S. 29° E. 54.37 chains to its point of intersection with the Northern line of the Santa Clara Avenue, and thence along said Northern line of the Santa Clara Avenue N. 59° 15' E. 35.01 chains to the place of beginning and containing 184 $\frac{829}{1000}$ acres.

(sigd) Mary E. White (seal)
E. E. White (seal)

Ackn'd (as single women) October 27. 1874.
Before Chas F. Wilcox. N. P.

Recorded Oct 28. 1874.
Liber 35 of Deeds page 40.

Charles E. White

Notice of Appropriation of Water

Dated April 5. 1875.

Notice that the undersigned intends to appropriate all of the water flowing in the stream known and called the "Arroyo Aguage" or Penitencia Creek in the County of Santa Clara and State of California to the extent of three hundred (300) square inches, measured under a four inch pressure, for the purpose of irrigation &c. That the place of intended use of said waters are upon the lands of the "Rancho Pala" situated in the County of Santa Clara and State of California, also upon the lands contiguous to said stream and within the Cañon, or gorge next below the place of intended diversion, to wit, the place where this notice is posted. That the means the undersigned intends to direct said water is an aqueduct and canal dug in the earth and by wooden flumes over depressions in the natural surface and connecting with pipes. That the size of the said canal and wooden flumes are as follows to wit, The said canal to be of a uniform width on the bottom of four feet and at the top six feet, in the

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cross sections with a uniform depth of carrying capacity of two feet. That the said wooden flumes shall be of a uniform width of three feet, and of a uniform depth of carrying capacity of two feet, and that said pipes connecting therewith shall be of an inside diameter of twenty (20) inches. Said canal flume and pipes to be on a grade of ten feet to the mile. That the point of said intended diversion is where this notice is posted. and described as follows, In said stream and at the margin thereof about sixty (60) feet South Westerly from a point where the South Westerly boundary of the tract known as the "City Reservation" lands crosses said stream.

(sig'd) Charles C. White.

Affidavit of posting notices follows above by John B. Stockton

Ackn'd by John B. Stockton April 6. 1875
Before W. J. Colahan Recorder
By C. J. Lightston Depty

Recorded Apl 7. 1875
Liber "F" of Mis Recs page 333.

Charles E. White

Take this 9

Notice of Appropriation of Water

Dated April 5. 1875.

Notice That the undersigned desires and intends to appropriate all of the water flowing in the stream known and called the "Arroyo Aguage" or Penitencia creek in the County of Santa Clara and State of California to the extent of three hundred (300) square inches measured under a four inch pressure, That the purpose for which he claims the use of said water is for irrigation, motive power, &c, That the place of intended use of said waters are upon the lands of the "Rancho Pala" situated in the County of Santa Clara and State of California also upon the lands contiguous to said stream and within the cañon or gorge next below the place of intended diversion, to wit: the place where this notice is posted. That the means the undersigned intends to divert said waters is an aqueduct and canal dug in the earth and by wooden flumes over depressions in the natural surface, and connecting with pipes. That the size of said canal and wooden flumes are as follows, to wit: The said

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Canal to be of a uniform width in the bottom of four feet and at the top six feet in the cross section with a uniform depth of carrying capacity of two feet. That the said wooden flumes shall be of a uniform width of three feet, and of a uniform depth of carrying capacity of two feet, and that said pipes connecting therewith shall be of an inside diameter of twenty (20) inches, Said Canal, flume and pipes to be on a grade of ten feet to the mile. That the point of said intended diversion is where this notice is posted, and described as follows, In said stream and at the margin thereof about sixty (60) feet, South Westerly from a point where the South Westerly boundary of the tract known as the "City Reservation lands" crosses said stream.

(sig'd) Chas. E. White.

Affidavit of J. H. Pieper of posting notice at above named point, follows here.
Subscribed and sworn to
April 13. 1875 Before
John T. Colahan. N. P.

Recorded Apl 13. 1875
Liber "F" of Misc Rec's page 338.

Omit Ex 9

Charles E. White

To

Daniel Sullivan

Deed

Dated September 1. 1876.

Cons'n $8004 8/100

Does grant bargain and sell convey and confirm unto the said party of the second part and to his heirs and assigns forever all that certain tract of land situate in the County of Santa Clara and State of California, being a portion of the "Pala Rancho" and described as follows, to wit: Beginning at the point of intersection of the northerly line of land in possession of Reeves, with the Easterly line of the Evergreen or White Road and running thence along the said northerly line of land of Reeves N. 56° 55' E. 56 40/100 chains to the easterly line of the Pala Rancho, thence along the said easterly line of the Pala Rancho N. 50° W 19 34/100 chains to a stake, thence S. 56° 55' W. 51 87/100 chains to a stake on the said easterly line of the Evergreen or White Road and thence along the last named Road S. 36° 20' E. 18 52/100 chains to the place of beginning and containing 100 051/1000 Acres.

Out side of White Partition of Ranchs

See

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(sigd) Chas E. White (seal)

Ackd September 1. 1876.
Before Jno T. Malone. N.P.

Recorded Sept 1. 1876.
Liber 42 of Deeds page 132.

Charles E. White
To
Bruce Lovely

Omit this

Deed

Dated September 1. 1876.

Conn $3680 $\frac{49}{100}$

Does grant, bargain and sell, convey and confirm, unto the said party of the second part and to his heirs and assigns forever all that certain tract of land situate in the County of Santa Clara and State of California, being a portion of the "Pala Rancho" and described as follows to wit: Beginning at a point in the easterly line of the Evergreen or White Road where the northerly line of land in possession of Sullivan intersects the same (from which point of beginning a stake standing on the northwesterly corner of land in possession of Reeves bears S. 36° 20' E 18 $\frac{53}{100}$ chains distant) and running thence along the northerly line of the land of said Sullivan N 56° 55' E 51 $\frac{82}{100}$ chains to a stake on the easterly line of the Pala Rancho, thence along the said easterly line of the Pala Rancho N 50° W 8 $\frac{57}{100}$ chains to a stake: thence S 82° W. 1 $\frac{38}{100}$ chains to a stake

Conn

Part of White Portion of Rancho

165

standing on the Southerly bank of a small creek thence, S. 56° 55' W. 48 $\frac{63}{100}$ chains to a stake on the said easterly line of the Evergreen or White Road, and thence along the last mentioned Road S. 36° 20' E. 8 $\frac{84}{100}$ chains to the place of beginning and containing 44 $\frac{612}{1000}$ acres.

Chas. E. White (seal)

Witness
E. P. Reed

Ackn'd September 1. 1876.
Before Jno T. Malone. N. P.

Recorded Sept 5. 1876.
Liber 42 of Deeds page 161

In 20th District Court Santa Clara County.

Jose Thomas Rabbit Plaintiff

vs

Manuel Hendrick Defendant

Take this

Writ of Attachment

Dated June 14, 1878

Demand &c $1100 35 &c

Shows levy by Sheriff of Santa Clara County on June 15, 1878, upon all the right, title and interest of defendant in and to the growing crop on the following described Real Estate, situate lying and being in the County of Santa Clara, State of California, and known and described as follows, to wit: Lots 1 and 4, of the subdivisions of the Pala Rancho, as delineated on a map of said Rancho, made by J. H. Pieper Aug 1874, and now in the office of E. P. Reed Attorney of Charles White, containing 256 396/1000 acres, less the pasture fields in said tracts of 37 464/1000 acres, making say 213 acres, said above described Real Estate standing on the records of Santa Clara County in the name of Chas. B. White.

Recorded June 15, 1878

Liber 2. of Attachments p 540.

167

Charles E. White

To

Mary E. White

Omit this

Deed

Dated Janu 27, 1880

Cons $1.00

Grant-bargain sell, convey and confirm unto the said party of the second part, and to her heirs and assigns forever, all those certain lots and parcels of land, situate in the Pala Rancho, County of Santa Clara, State of California and bounded and described as follows, to wit:

Beginning at the point of intersection of the Western line of the prolongation of the White or Evergreen road with the Northern line of the McKee road, and thence running along the Western line of the aforesaid prolongation of said White or Evergreen road N. 31° 15' W. 41 chains, thence S. 49° 35' W. 29.35 chains to the Western boundary line of the Pala Rancho; thence along said line of the Pala Rancho S. 29° E. 11.80 chains to the North Westerly corner of land in possession of E. P. Reed, thence along the Northern line of said Reeds land N. 49° 35' E. 20.04 chains to a post, thence S. 29° E. 29.53 chains to a post standing in the Northern line of the McKee Road, and thence on the last mentioned line N. 49° 35'

PART LOT VI & III a

169

E. 11.02 chains to the place of beginning, and containing Sixty-four $\frac{3208}{10,000}$ acres.

Also beginning at the point of intersection of the Northern line of the McKee road with the Eastern boundary line of the Pala Rancho and running thence along the Eastern boundary line of the Pala Rancho N. 23° W. 64.45 chains to a post, thence S. 61° W. 34.59 chains to a post, thence S. 29° E. 53.71 chains to a post standing in the Northern line of the aforesaid McKee road; thence along the Northern line of the last mentioned road N. 45° 30' E. 13.68 chains to a stake S. 81° E. 9.81 chains to a stake, and N. 68° 30' E. 6.90 chains to the point of beginning and containing 185 $\frac{103}{1000}$ acres.

(and other property not under search)

(Sgd) Charles E. White (Seal)

Ackgd Jany 28, 1880

Before Geo W. Gall N.P.

Recorded Jany 29, 1880

Liber 55 of Deeds fol 95.

107

Charles E. White
To
Ellen E. White

Deed

Dated Jany 27. 1880

Bons $1.00

Grant bargain and sell, convey and confirm unto the said party of the second part and to her heirs and assigns forever, all those certain lots and parcels of land situated in the Pala Rancho, County of Santa Clara State of California and bounded and described as follows to wit:

Beginning at a post standing in the Eastern line of the prolongation of the White or Evergreen Road as a point 45.67 chains distant from the point where the Northern line of the McKee road intersects the said Eastern line of the aforesaid prolongation of the said White or Evergreen road, and running thence N. 61° E. 52.64 chains to a post; thence N. 29° W. 35.87 chains 0.60 chains to the center of the channel of said creek, thence down the center of said creek S. 72° 30' W. 1.25 chains S. 58° W. 4.75 chains, S. 77° 45' W. 3.19 chains, S. 51° W. 2.65 chains, S. 89° W. 3.11 chains, S. 75° 30' W. 4.40 chains, S. 82° W. 5.50 chains, S 63° 30'

Lot No II

171

W. 5.82 chains, S. 79° 30' W. 3.08 chains, S. 86° 30' W. 4.40 chains, S 41° 45' W. 5.09 chains S. 81° 45' W. 3.40 chains, S. 74° 15' W. 3.40 chains S. 65° W. 3.03 chains and S. 47° W. 3.36 chains; thence S. 31° 15' E. 1.03 chains to a post on the Eastern line of the aforesaid prolongation of said White or Evergreen Road, and thence along the aforesaid prolongation of the Eastern line of the last-mentioned road S. 31° 15' E. 43.87 chains to the place of beginning, and containing 219 895/1,000 acres.

Also beginning at the point of intersection of the Northern line of the Story road with the Eastern line of the White or Evergreen road, and running thence along the Northern line of the said Story road N. 49° 30' E. 54.48 chains to the Eastern line of the Pala Rancho, thence along the Eastern line of the said Pala Rancho N. 23° W. 12.90 chains to a post, thence N 24° 45' E. 4.14 chains to a white oak tree; thence N. 62° 20' W. 5.44 chains, S 41° 45' W. 0.88 chains N. 58° 5' W. 1.34 chains to the Eastern line of the aforesaid Pala Rancho; thence along said Eastern line of the Pala Rancho N. 23° W. 20.78 chains to a stake; thence S. 49° 20' W. 64.55 chains to the Eastern line of the aforesaid White or Evergreen road, and thence along the said Eastern line of the aforesaid White or Evergreen

LOT XII

omit this 5

omit ins

S. 36° 10' E. 41.46 chains to the place of beginning and containing 249 $\frac{896}{1000}$ acres.

(and other property not under search)

(Sgd.) Charles E. White (Seal)

Ackgd Jany 28. 1880

Before Geo W. Goell N. P.

Recorded Jany 29. 1880

Liber 58 of Deeds p 97.

173

Charles E. White

To

Wm. B. Wilcox

omit this

Mortgage

Dated Oct. 19, 1881.

To secure the payment of the sum of $7,000 00 in one year, with interest at 9/12 of one per cent per month, payable semi-annually, and if not so paid to compound.

Mortgages, all that certain piece or parcel of land lying and being in the County of Santa Clara, and State of California, Commencing at a point on the North side of the Avenue or road from San Jose to the City Reservation, at the intersection of the North line of said Avenue with the East line of the County Road leading to Berryessa, which point is 2 27/100 chains West of the West line of the Pala Ranch, thence N. 59° 15 E. 37.28 chs more or less to the White road so called; thence N. 36° 10 West 16.69 chs and N. 32 20' W. 42.70 chs more or less to the Julian Street County road, thence S. 49° 35' W. 41.82 chs more or less to the said road to Berryessa, thence S. 38° E. 53.02 chs more or less to the said Avenue, and containing 219 493/1000 acres of land.

175

(Sgd) Chas E. White (Seal)

Ackgd Oct-22. 1881

Before Geo W. Gaell. N.P.

Recorded Oct-22. 1881

Liber 215 of Mortgages p 136.

Marginal entry as follows. "Satisfied in full
this 26th day of March 1884
E. P. Reed Trustee
C W Breyfogle Trustee"

attest:
J. M. Pittman Co Recorder.
By Geo. Fetherston Deputy

Charles E. White
To
Edward Healey

over this 9

Deed

Dated Nov 3. 1881.

Cons $9,463.44

Grant, bargain, sell and convey unto the said party of the second part, and to his heirs and assigns forever, all that certain lot piece or parcel of land, situate lying and being in the County of Santa Clara, State of California, and bounded and described as follows, to wit:

Beginning at the point of intersection of the Southern line of the Story road with the Eastern line of the Evergreen or White road, and running thence along the Eastern line of said White road S. 36° 15' E. 27.06 chs to a 2 x 4 redwood post, thence N. 49° 30' E. 43 chs 2 1/2 lks to a 2 x 4 redwood post standing on the Western line of the Lovely Road, thence along the last-named line N. 60° 5' W. 3.53 chs and N. 41° 15' W. 23.66 chs to a 2 x 4 redwood post standing at the intersection of the aforesaid Southern line of the Story road with the Western line of the Lovely road, and thence on the Southern line of the Story Road S. 49° 30' W. 39.54 chs to the place of beginning, Containing 110 $\frac{64}{100}$ acres, and being a portion of that larger tract of land known as

PART OF LOT NO XIV

177

the Rancho Pala in said County and State.

(Sgd) Charles E. White (Seal)

Ackgd. Nov 3. 1881.

Before Jas R. Howe N. P.

Recorded Nov 3. 1881

Liber 61. of Deeds fol 339.

Charles E. White
To
Daniel Sullivan

Deed

Dated Nov 11. 1881

Cons $1235.00

omit Ch. 4

Grant bargain, sell and convey unto the said party of the second part, and to his heirs and assigns forever, all that certain lot piece or parcel of land situate, lying and being in the County of Santa Clara State of California, and bounded and particularly described as follows, to wit:

Beginning at a point on the Easterly line of the Evergreen or White road, where the Northerly line of land heretofore sold to Bruce Lovely intersects the same, and which said point is 33.94 chains distant Southerly from the intersection of the Easterly line of the said White road with the Southerly line of the Story road, and running thence N. 49° 30' E. 46.06 chs to a 2 x 3 inch redwood stake in the Westerly fence line of the Lovely road, thence along said road line S. 62° 45' E. 6.51 chains to a 2 x 3 inch redwood stake, thence S. 6° 45' E. 52 1/2 links to the Northerly line of said Lovelys land, and thence along the last-named line S. 56° 55' W. 48.63 chains to the place of beginning. Containing 14 94/100 and being a portion of that larger tract of land

Outside of White Part

179

known as the Rancho Pala in said County of Santa Clara.

(Sgd) Charles E. White (Seal)

Ackgd Nov 11, 1881

Before Geo W. Goell N.P.

Recorded Nov 17, 1881

Liber 61. of Deeds page 469.

Frank Staples, and his wife
Mary E. Staples
(formerly Mary E. White)
To
Nigel D'Oyly

Deed

Dated October 31. 1881

Cons'n $9000

Do grant bargain and sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all that, certain piece or parcel of land lying and being in the said County of Santa Clara, State of California, bounded and described as follows, to wit:

Beginning at the point of intersection of the Northern line of the McKee road, with the Eastern boundary line of the "Pala Rancho" and running thence along the eastern boundary line of said Rancho North 23° West 64.45 chains to a post, thence South 61° West 34.57 chains to a post: thence South 29° East 53.71 chains to a post standing on the Northern line of the aforesaid McKee road; thence along the Northern line of the said McKee road North 75° 30' East 13.68 chains to a stake, thence

owing this 9

Lot IV.

181

South 81° East 9.81 chains to a stake; thence North 68°30' East 6.90 chains, to the place of beginning; and containing one hundred and eighty five $\frac{103}{1000}$ acres of land, Courses true, Mag. Var. 16° East. The foregoing being a portion of that larger tract of land known as the "Pala Ranchs"

(sig'd) Frank Staples (seal)

Mary E. Staples (seal)

Witness
Jas R. Lowe }

Ackn'd November 1. 1881.

Before Jas R. Lowe. N.P.

Recorded November 1. 1881.

Liber 61 of Deeds page 317

Chas E. White
To
Martin Healey

omis this 4

Deed

Dated Nov 14, 1881

Cons $2535.40

Grant, bargain, sell and convey unto the said party of the second part, and to his heirs and assigns forever, all that certain tract or parcel of land, lying and being in the County of Santa Clara, and State of California bounded and described as follows, to wit:

Beginning at a point on the Easterly line of the Evergreen or White road, where Southerly line of land heretofore sold to Edward Healey intersects the same, and which said point is 27.06 chains distant Southerly from the intersection of the said Easterly line of the White road, with the Southerly line of the Story road, and running thence along the Southerly line of said Healeys land N 49° 30' E. 43.05 chains to a stake in the Westerly line fence of the Lonely Road; thence along the Westerly fence line of said road N. 60° 15' W. 6.00 chains and N 62° 45' W. 1 chain 31½ links to a 2 x 3 inch redwood stake; thence S. 49° 30' W. 46.06 chains to a 2 x 3 inch redwood stake on the Easterly line

PART OF LOT 1/V

183

of said White road, and thence along the last named line of the White road N. 36° 15' W. 6.88 chains to the place of beginning, Containing 30 $\frac{547}{1000}$ acres, and being a portion of that larger tract of land known as the "Rancho Pala" in said County and State.

(Sgd) Chas E. White (Seal)

Ackgd Nov 14, 1881

Before Geo W. Gaill N. P.

Recorded Nov 14, 1881

Liber 61 of Deeds p 439.

Ellen E. White

To

Edward Charles Reed.

Orig this'g

Deed

Dated December 13. 1882.

Consn $16,854 $\frac{60}{100}$

Does by these presents grant bargain sell and convey unto the said party of the second part and to his heirs and assigns forever, all that certain tract of land described as follows, to wit: Beginning at the point of intersection of the Northern line of the Story Road with the Eastern line of the Evergreen or White Road and running thence along the Northern line of the said Story Road N 49° 30' E. 40.28 chs, to the point of intersection with the Northern line of a Roadway, leading to lands formerly in possession of Christian Fieldstead thence along the last named Roadline with the following courses and distances, N 8° 5' W. 2.65 chains N. 8° 30' E. 2.57 chains, N 8° E. 2.75 chains, N 19° 30' E. 2.70 chains, N 43° 45' E. 4.85 chains, N 49° 15' E. 2.11 chains, and N 82° 30' E. 1.93 chs, to the Eastern line of the Pala Rancho, thence along the Eastern line of said Rancho

PART OF LOT XII

185

N 23° W 6.00 chains, thence N 24° 45' E. 7.14 chains to a white oak tree, thence N 62° 20' W. 5.44 chains thence S 73° 15' W. 88 chains; thence N 68° 5' W. 1.34 chains to the Eastern line of the aforesaid Pala Rancho; thence along the Eastern line of the Pala Rancho N 23° W. 20.78 chains to a stake, thence S 49° 20' W. 64.55 chains to the Eastern line of the aforesaid Evergreen or White Road, and thence along the Eastern line of the Evergreen or White Road S 36° 10' E. 41.46 chains to the place of beginning. Containing 240 78/100 Acres and being a part of the Pala Rancho in the County of Santa Clara, State of California

(sig'd) E. E. White (seal)

Ackn'd December 29. 1882.

Before Chas F. Wilcox. N. P.

Recorded Dec 30. 1882.

Liber 67 of Deeds page 101.

Chas E. White
To
Ralph Howe

omit this ¶.

Mortgage

Dated June 8. 1883

To secure the payment of the sum of $4000.00 in twelve months, with interest at the rate of 8 per cent per annum, payable semi-annually, and if not so paid to compound,

Mortgages all that certain lot parcel or tract of land known as tract VIIII of the Pala Rancho in Santa Clara Co. Cal. as surveyed by J. H. Pieper Civil Engineer in August 1874, a map of which said survey now hangs in the office of E. P. Reed, at San Jose Cal. and particularly described as follows, to wit:

Commencing at a certain point on the North line of the Avenue Road 45.05 chs Northerly from the intersection of the North line of the Avenue Road with the East line of the White or Evergreen Road, thence N. 26° 20' E. 18.94 chains; thence N. 63° 40' W. 18.90 chains; thence N 40° 25' W. 19.57 chains to the South line of the Julian Street Road, S 49° 25' W. 19.00 chains; thence S. 40° 25' E. 23.39 chs; thence S. 63° 40' E. 22.75 chains to the place of beginning said tract containing 80.186 Acres

(Sgd) Chas E. White (Seal)

Lot VIIII

187

Ackgd June 8. 1883

Before D. J. Porter N. P.

Recorded June 8. 1883

Liber 52 of Mortgages pl 148.

Satisfied in full on margin of record Aug 21. 1884 by Ralph Lowe. Attested by the County Recorder

Taxes
State and County
1870 & 71 to 1883 & 84 Paid
1884 & 85. Now being assessed.

No Judgment Liens.

San Jose Cal
March 8th 1884. at 3. P.M
Thomas N. Cordell and
Edward Halsey
Searchers of Records

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Continuation
as to the interests of Ellen E. White.
Charles E. White and Mary E. Staples.

Ellen E. White
To
D. W. Tennyson.

Deed

Dated March 4th 1884

Cons $1250.

Does grant bargain and sell convey and confirm unto the said party of the second part and to his heirs and assigns forever all that certain piece or parcel of land lying and being in the said County of Santa Clara State of California Bounded &c. Beginning at a point in the South Easterly line of Santa Clara Avenue indicated by a 2x3 inch stake marked T1, from which the South Easterly corner of the crossing of the White or Evergreen road and said Santa Clara Avenue bears S. 36° W. 13 chains 8½ links distant and running thence at right angles from the South Easterly line of said Santa Clara Avenue S. 63° 40' E. 20 chains to a 2x3 inch stake marked T.2 thence at right angles and parallel with the said Santa Clara Avenue N. 26° 20' E. 5 chains to a 2x3 inch stake marked T.3, thence at right angles N. 63° 40' W. 20 chains to a 2x3 inch stake marked T.4 standing in the South Easterly line of said Santa Clara Avenue, and thence along the South Easterly line of said Avenue S. 26° 20' W. 5 chains to the place of beginning Containing ten (10) acres and being Lot five (5) of a Subdivision of Lot Eleven of a part of the

Lot 5 of Lot XI

193

Pala Ranchu.

(Sgd) E. E. White (Seal)

Ackg^d March 10th 1884
Before James B. Lapp. N. P.

Recorded March 11th 1884
Liber 72 of Deeds p. 268.

Ellen E. White
To
Thomas Plummer.

omit this

Deed

Dated March 12th 1884

Cons $1250.

Does grant, bargain and sell to,
Beginning in the South Easterly line of Santa Clara Avenue at a 2x3 inch Stake Marked T.4. standing at the intersection of the North Easterly line of a ten (10) acre tract of land of D D Tennyson with the South Easterly line of said Avenue, and running thence at right angles along the said North Easterly line of Tennysons land S. 63° 40' E. 20 chains to a 2x3 inch stake marked T.3. thence at right angles and parallel with said Santa Clara Avenue N. 26° 20' E. 5 chains to a 2x3 inch stake marked P. 1. thence at right angles N. 63° 40' E. 20 chains to a 2x3 inch stake marked P.2. standing in the South Easterly line of said Santa Clara Avenue and thence along the South Easterly line of said Avenue S. 26° 20' W. 5 chains to the place of beginning containing ten (10) acres and being Lot No Six (6) of a subdivision of Lot number eleven of a part of the Pala Rancho.

(Sgd) E. E. White (seal)

Sgd Exd & del in the presence of
James B. Lapp.

LOT OF LOT XI

195

Ackg.d March 13th 1884
Before James B. Capp N.P.

Recorded Mch 13th 1884
Liber 74 of Deeds p. 17.

Charles E. White

To

Mary E. Butterworth

omit this

Mortgage

Dated March 25th 1884

To secure payment of one certain promissory note for $7000. payable 12 mos. after date. Int @ 8/12 of 1% per month payable quarterly. or to compound.

Mortgages. Commencing at a point on the North side of the Avenue or road from San Jose to the City Reservation at the intersection of the North line of said Avenue road with the East line of the County road leading to Berryessa which point is 2 27/100 chains West of the West line of the Pala Rancho thence N. 59° 15' E. 37.28 chains more or less to the White road so called thence N. 36° 10' W. 16.69 chs. and N. 32° 20' W. 42.70 chains more or less to the Julian Street County road thence S. 49° 35' W. 41.82 chains more or less to the said road to Berryessa thence S. 38° E. 53.02 chains more or less to the said Avenue and containing 219.493 acres of land.

(Sgd) Chas. E. White (Seal)

Ackgd. Mch 25, 1884

Before J. E. Brown N. P.

Recorded Mch 26. 1884

Liber 55 of Mortgages p. 405

LOTS X & 8

#381

197

Foregoing Mortgage released and dis=
charged by an Instrument of Release
Signed executed and acknowledged by
Louis T. Haggin Executor of the Estate
of Mary E Butterworth deceased, and recor=
ded March 25th 1885 in Book F of Release
of Mortgages page 381,

Charles E. White
To
Ralph Lowe

Mortgage

Dated June 14th 1884

To secure payment of one certain promissory note for $7100. payable one year after date Int at 8/12 of 1% per month. payable semi-annually or to compound.

Mortgages. Part of the Pala Rancho Beginning at the point of intersection of the Northern line of the McKee road with the Eastern line of the White or Evergreen road and running thence along the Northern line of the said McKee road N. 49° 35' E. 49.07 chains and N. 75° 30' E. 2.85 chains to a post, thence N. 29° W. 36.68 chains to a post thence S. 61° W 50.89 chains to a post standing in the Eastern line of the aforesaid White or Evergreen road and thence along the Eastern line of said road S. 29° E. 45.62 chains to the place of beginning. and containing 206 359/1000 acres and being tract number V of the said Rancho as shown on map made by J.H. Pieper Civil Engineer in August 1874

<Seal> Chas E. White <Seal>

Ackgd June 14th 1884
Before Karl Klein N.P.

Recorded June 14th 1884
Liber 56 of Mortgages p. 498

Lot No V

199

Satisfied in full on the Margin of the record Aug 22d 1884 by Ralph Lowe and duly attested by the County Recorder

Mary E. Staples
To
J. J. Smtheimer

Deed

Dated July 10th 1884.

Cons $6432.00

Grant. bargain and sell&c,
Beginning at the point of intersection of the Western line of the Prolongation Northerly of the White or Evergreen road with the Northern line of the McKee Road and thence running along the western line of the aforesaid prolongation of said White or Evergreen road N. 31° 15' W. 41.00 chs. to a 2x3 inch stake marked S. thence S. 49° 31' W. 29.35 chs to the Western boundary line of the Pala Rancho to a 2x3 inch stake marked S.1. thence along the said line of Pala Rancho S. 29° E. 11.80 chs to the Northwesterly corner of land in possession of E. P. Reed. thence along the Northern line of said Reeds land N. 49° 35' E. 20.04 chs. to a post. thence S. 29° E. 29.53 chs to a post standing in the Northern line of the said McKee road. and thence on the last named road line N. 49° 35' E. 11.02 chs to the place of beginning. Containing sixty four. 3208/10000. acres and being a part of the Pala Rancho.

(Sgd) Mary E. Staples (Seal)

Ackd as a Widow. July 19th 1884
Before James B. Capps N.P.

201

Recorded July 21. 1884
Liber 74 of Deeds pl 368

Take this

Charles E. White
To
Mrs. F. Staples.

Deed

Dated July 10th 1884.

Right of way. provided the parties maintain the closing of gates as is customary with the tenants and further that the parties purchasers of Tract 6 on "Pala" or successors of Mrs F. Staples build the East line of their fence at their own exclusive cost. then and in that event. the compliance with the above. the right is hereby given to pass over the prolongation of the White or Evergreen road from a point in the N. W. line of the Northern line of land of Mrs F. Staples and the aforesaid prolongation of the aforesaid White or Evergreen road to the commencement of said prolongation to wit: Julian St. or the McKee Road.

(Sgd) Chas. E. White.

Ackg^d July 24th 1884
Before James B. Capp. N. P.

Recorded Aug. 16th 1884
Liber 75 of Deeds p. 254

XI

203

Ellen E. White
To
J. M. Fleming.

Deed

Dated July 23d 1884

Cons. $3670

Grant, bargain sell &c.

Beginning at the intersection of the South Easterly line of the Santa Clara Avenue with the Easterly line of the Pala Rancho and running thence along the South Easterly line of said Santa Clara Avenue S. 26° 20' W. 25.15 chains to a 2 by 3 inch stake marked F. 1. thence at right angles S. 63° 40' E. 29 chains 18½ links to a 2 by 3 inch stake marked F. 2 standing in the Easterly line of said Pala Rancho. and thence along the last described line of said Rancho N. 23° W. 38.53 chains to the place of beginning. Containing 36.7 acres of land and being a part of the Pala Rancho in the County and State aforesaid.

(Sgd) E. E. White (Seal)

Ackgd July 23d 1884
Before George D. Smith N.P.

Recorded July 24th 1884
Liber 74 of Deeds p. 402.

PART LOT XI

Applied to lots omitting

205

P. 7

Charles E. White and
Ellen E. White

To

Mary A. Hagan.

Deed

Dated August 11th 1884

Cons $3392.00

Grant. bargain. sell convey &c. Beginning at a 2x3 inch stake marked P.1. standing at the intersection of the North Eastern boundary of the Pala Rancho with the North Eastern fence line of the so called Lovely Road. And running thence along the fence line of said Road N. 60° 30' W. 14.66 chs to a 2x3 inch stake marked P.2. thence continuing along fence line N. 41° 15' W. 24.05 chains to a 2x3 inch stake marked P.3. standing at the commencement of the Easterly line of a Roadway 20 feet wide. leading to lands formerly in possession of C. Fieldstead and others. thence along the Easterly line of said Roadway with the following courses and distances N. 8° W. 3.00 chs. N. 8° 45' E. 5.47 chs. N. 21° 15' E. 2.20 chs. N. 44° E. 5.00 chs. N. 49° 25' E 2 chs. and N. 87° 40' E. 1.68 chs to a 2x3 inch stake marked Q1. standing in the North eastern boundary line of the said Pala Rancho. thence along the last described line of said Rancho. S. 23° E. 38.14 chs and S. 50° E. 11.06 chs to the place of beginning. Containing 35.925 acres. Courses true. Mag Var 16° 15' E. and being a part of the Pala Rancho

omit

PART OF LOT XIII & LOT XIV

287

in the County and State aforesaid.

(Sgd) Chas E. White (Seal)
E. E. White (Seal)

Ackg^d August 11th 1884
Before Charles W. Quilty N.P.

Recorded August 13th 1884
Liber 75 of Deeds p. 241

Taxes
State and County
1884 & 85. Now assessed and a Lien.

No Judgment Liens.

San Jose Cal
August 20th 1884. at 9 30 am
Thomas H. Cordell and
Edward Halsey
Searchers of Records

Continuation

As to the interest of Ellen E. White.

Ellen E. White

To

Joaquin Ignacio de Souza

omit this 4

Deed

Dated Aug 14. 1884

Cons: $1300.

Grant bargain and sell &c. all that certain piece of land lying and being in the said County of Santa Clara State of California, described as follows:

Beginning at the South easterly line of the Santa Clara Avenue at a 2 & 3 inch stake marked P2 standing at the intersection of the North easterly line of a ten (10) acre tract of land of Thomas Plummer with the South easterly line of said Santa Clara Avenue & running thence at right angles & along the North easterly line of Plummers land S 63° 40' E 20 chs to a 2 & 3 inch stake marked P1" thence at right angles parallel with said Santa Clara Avenue N 26° 20' E 5 chains to a 2 & 3 inch stake marked "W1", thence at right angles N 63° 40' W 20 chains to a 2 & 3 inch stake marked "W2" standing in the South easterly line of said Santa Clara Avenue, & thence along the South easterly line of said Avenue S 26° 20' W 5 chains to the place of beginning. Containing ten acres & being lot No 7 of a certain subdivision of a part of the Pala Ranchs in the County State aforesaid.

(signed) E E. White (seal)

Lot 7 of Lot XI

213

Ack Aug. 21. 1884

Before James B. Capp N.P.

Recorded Aug 21. 1884

Libr 75 Deeds page 286.

1

Charles E. White

To

Ellen E. White

Deed

Dated Sept 1. 1874

Cons: $1.

Grant bargain and sell convey and confirm unto the said party of the second part and to her heirs and assigns forever, all that piece of land lying and being in the County of Santa Clara, State of California and being subdivision of the Bala Ranch known as tract No 9 on a plat of said Ranch on file in the office of E P. Rud in said County and bearing date August 1. 1874. compiled by J H. Pieper. The said tract of land being more fully described as follows, to wit:

Beginning at the point of intersection of the Northern line of the Santa Clara Avenue with the eastern line of the Evergreen or White Road, & running thence along the Northern line of the said Santa Clara Avenue N 59° 15' E 3.79 chains & N 26° 20' E 39.26 chains to a post, thence N 63° 40' W 22.75 chains to a post, thence N 40° 25' W 23.39 chains to the Southern line of the McKee Road, thence along said Southern line of the McKee Road S 49° 35' W 23.50 chains to its point of intersection with the eastern line of the said Evergreen Road, thence along the Eastern line of the said Evergreen Road S 32° 20' E 43.03

Lot 1

$15

chains and S 36°10' E 16.69 chains to the place of beginning Containing 160 $\frac{312}{1000}$ acres.

(signed) Chas E. White (seal)

Ackd Sept 1. 1884

Before Hart Klein N.P.

Recorded Sept 1. 1884

Liber 76 Deeds page 5.

Taxes

State and County

1884. 85. Paid

1885. 86. Paid

1886. 87. Now due and payable.

No Judgment Liens

San Jose November 8. 1886. 9 a.m.

Thomas C. Edwards

Searcher of Records.

217

Continuation

as to interest remaining in name of Ellen E. White.

Ellen E. White
To
Martin L. James

Deed

Dated Oct-29, 1886.

Cons $12,500 00

Grant bargain and sell, convey and confirm unto the said party of the second part, his heirs and assigns forever, All that certain piece or parcel of land lying and being in the Pala Rancho, County of Santa Clara, State of California, bounded and described as follows, to wit: Beginning at a 2 x 3 inch stake marked B2, standing in the Eastern line of the White or Evergreen Road at its intersection with the Northerly line of land formerly in possession of W. L. N. Brown, and running thence along the Easterly line of the said White or Evergreen road N. 31.° 15' W. 44.90 chs to a point in the middle of the channel of the Penitencia

N. Pt OF LOT II
101.46 a

219

Creek, from which point a 2x3 inch stake marked W. P. 1, standing in the Easterly line of the aforesaid road, bears S. 31° 15' E. 1.04 chs distant; thence along the middle of the channel of the said Pereteneia Creek following its meanderings up stream, with the following courses and distances, N. 57° E. 3.66 chs; N 65° E. 3.03 chs; N 74° 15' E. 3.40 chs; N 81° 45' E 3.40 chs; N 41° 45' E. 5.09 chs; N. 86° 30' E. 4.40 chs, and 79° 30' E. 1.25 chs to a point from which a 2x3 inch stake marked W. P. 2, bears S. 31° 15' E. 1 chain 33½ links distant, thence leaving the channel of the aforesaid creek, and running on a line parallel with the Easterly line of the said White or Evergreen Road, S. 31° 15' E. 42.36 chs to a 2x3 inch stake marked E. E. W. standing in the Northerly line of land formerly in possession of the said W. L. N. Brown; thence along the last described line S. 61° E. 22.99 chs to the place of beginning, containing one hundred and one 46/100 (101 46/100) acres, and being a portion of the Pala Rancho in the County of Santa Clara, Excepting therefrom an area of One 46/100 (1 46/100) acres contained in a road having a uniform width of 40 feet

and passing through the above described tract of land, along the South bank of the said Penetencia Creek, on a line located and more particularly described by an Ordinance passed by the Board of Supervisors of the said County, on December 13th 1884, declaring said road a public highway, ——— ?

Witness J. B. Capp,

Ackn'd Nov 9. 1886

Before James B. Capp N. P.

Recorded Nov 9. 1886

Liber 84 of Deeds page 44

Taxes

State and County

1886-7 Paid

No Judgment Liens

San Jose, Cal Feby 2d 1887
at 10 30 o'clock A. M.
Edgar Pomeroy
Searcher of Records

223

LOT NO +

Continuation
of
The Foregoing Abstract.

As to

Interest of Charles E.White in and to the 184 829/1000 acre Tract as described in the deed from Mary E.and Ellen E.White To Charles E.White, Liber 35,of Deeds,page 40 set forth at page 157 1/2

225

TAXES.

State and County.

Fiscal years

1884-85

To Paid

1890-91

1891-92 Now a lien.

NO JUDGMENT LIENS.

The foregoing Continuation

consisting of pages to

inclusive, made at San Jose, Cal.

July Sixteenth, 1891 at 5 P.M.

San Jose Abstract, Title and Trust Company,

By Edgar Pomeroy Acting Manager.

SAN JOSE ABSTRACT TITLE & TRUST CO.,
SEARCHER OF RECORDS,
SAN JOSE, CAL.